



Planning Commission
Staff Report and Recommendation
Community Development Department, Planning Division

Report Date	March 14, 2022
Hearing Date	March 22, 2022
Staff Request	Staff requests the Planning Commission review the attached proposed amendments to the text of the Forest Grove Development Code necessary for compliance with Oregon House Bill HB 2001 (Middle Housing Law) and SB 458 (Middle Housing Land Divisions).
File Number	311-22-000003-PLNG
Applicant	City of Forest Grove
Application Type	Type IV (Legislative) Planning Commission recommendation to City Council
Reviewing Staff	Dan Riordan, Senior Planner
Recommendation	Staff recommends the Planning Commission conduct a public hearing on the proposed amendments, accept and consider testimony, and approve a motion recommending that City Council adopt an ordinance amending the Forest Grove Development Code as needed to comply with HB 2001.

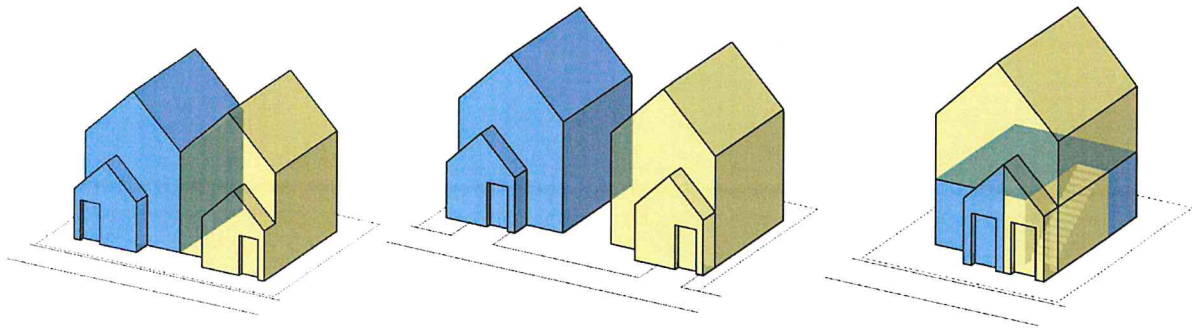
I. LEGISLATIVE HISTORY

In 2019, the Oregon legislature passed and Governor Brown signed into law Housing Bill 2001. HB 2001 is the so called middle housing law. This landmark legislation essentially does away with single family zoning within the Portland regional urban growth boundary and in cities throughout the state with populations of more than 25,000 persons. HB 2001 is intended to expand opportunities for less expensive housing by removing barriers to construction of housing types that fall between single unit detached homes and apartment complexes. HB 2001 does not require affordable housing.

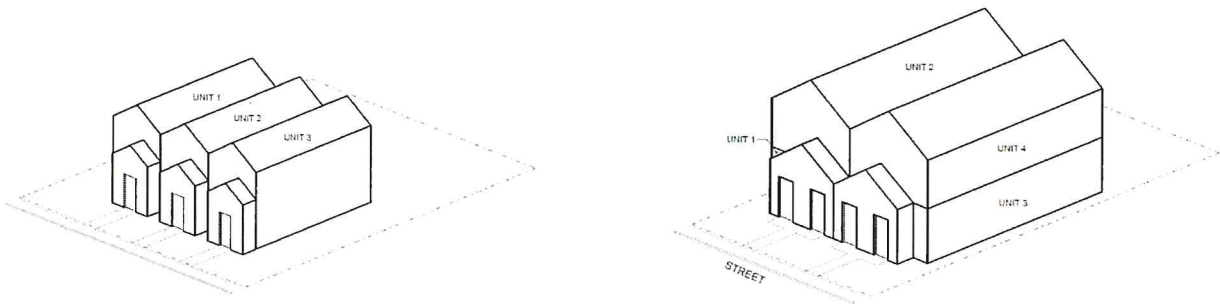
Middle housing includes duplexes, triplexes, quadplexes, cottages in cottage clusters and townhomes. These are traditional forms of housing often found in older and historic neighborhoods. The old town area of Forest Grove south of 19th Avenue provides a good local example of a neighborhood with a variety of housing types including single unit homes, three- and quadplexes and some smaller scale apartment buildings.

The images below show different configurations of middle housing types that will be allowed:

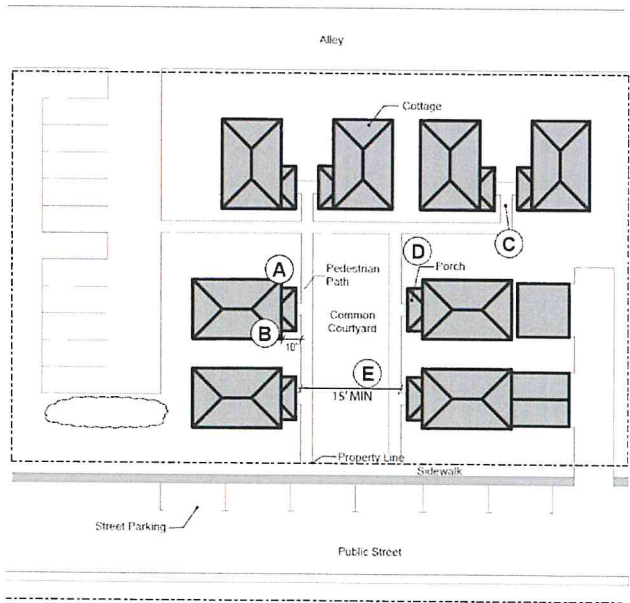
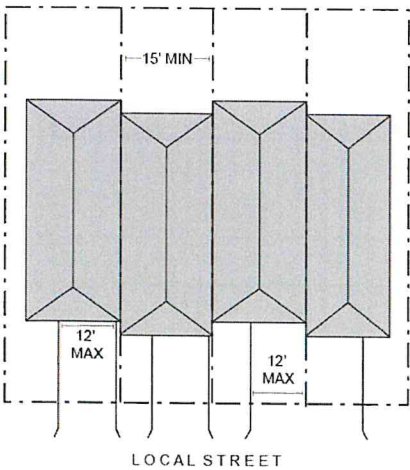
Duplexes



Triplex and Quadplex



Townhomes and Cottage Cluster



Under HB 2001, cities within the Portland regional urban growth boundary and large cities must amend local development and zoning codes to comply with HB 2001 by June 30, 2022. The Oregon Department of Land Conservation and Development (DLCD) adopted administrative rules with minimum requirements for compliance with HB 2001. DLCD also produced a model code to provide guidance to cities on ways to implement HB 2001. The model code goes about and beyond the requirements contained in the administrative rules. If cities do not amend local codes by June 30, 2022, the DLCD model code will apply to local review of development applications until such time the city amends their codes.

In 2021, the Oregon legislature passed and Governor Brown signed into law Senate Bill 458. Senate Bill 458 takes HB 2001 one step further by allowing creation of lots for individual middle housing units. The idea here is to promote homeownership opportunities and wealth creation. SB 458 requires expedited review and approval by a city. Under SB 458, approval of a middle housing land division must be issued no more than 63 days after the City receives a complete application.

SB 458 also removes certain restrictions on lot sizes and street frontage requirements. Lots created under a middle housing land division must meet building code requirements, allow for separate utility services, and provide necessary easements for access.

II. SUMMARY OF PROPOSAL

Under HB 2001 cities are required to apply the same application review process to middle housing types that also apply to single unit homes. For example, City codes do not require discretionary design review for single unit homes or notice to surrounding property owners before building permits are issued. Given this, the City cannot require that middle housing types undergo discretionary design review or notice to surrounding property owners before building permits are issued. In other words, middle housing must be treated just like single unit homes. Therefore, any design requirements must be clear and objectives and review is ministerial meaning either the design meets the requirement or it does not. It is with this in mind that the draft development code amendments were drafted.

The draft Development Code amendments strive to be clear and objective as required under Oregon land use law. This is intended to provide predictability and make expectations clear for developers and the broader community. These are basic tenants in the Oregon land use planning program.

Cities may offer a discretionary development review path that provides flexibility in the application of development requirements so long as a clear and objective review path is available. The City provides a discretionary path through the planned development review process. Planned developments are required to go to the Planning Commission for review and approval. The City also provides a discretionary path for review of multi-unit projects. The City could amend the Development Code in the future to offer a discretionary design review path based on flexible development guidelines for middle housing types if deemed necessary. This could occur after the City adopts the initial HB 2001 compliance standards.

If adopted the Development Code text amendments would:

- ✓ Remove ambiguous wording remaining in the Development Code to help ensure the Development Code is clear and objective as required by Oregon Revised Statutes Chapter 197 and the Oregon Administrative Rules.

- ✓ Apply the same review process to middle housing types that applies to single unit homes. This is a requirement of HB 2001.
- ✓ Consolidate zoning districts. This an area where the City has discretion. Zoning district consolidation is not required by HB 2001 but streamlines the code for efficiency.
- ✓ Change definition of multifamily development from 3+ units to 5+ units. Up until the passage of HB 2001 multifamily developments were those with 3 or more attached units in a structure.
- ✓ Remove density limits based on the number of home allowed per net acre and instead regulate development based on the allowed building area, minimum distance building must be from property lines, and building height.
- ✓ Revise and establish minimum lot sizes by housing type
- ✓ Add a process for middle housing land divisions consistent with SB 458.
- ✓ Revise minimum off-street parking requirements
- ✓ Add design standards for middle housing types as allowed by the Oregon Administrative Rules.
- ✓ Add definitions for middle housing types and revise where needed for compliance with the Oregon Administrative Rules.

III. PROCEDURAL REQUIREMENTS

Amendments to the text of the Development Code are categorized as Type IV (Legislative) amendments. For Type IV amendments, the Development Code requires a Planning Commission public hearing and a Planning Commission recommendation to City Council. The City Council must hold public hearings on the Planning Commission recommendation and must adopt an ordinance approving the Development Code text amendments.

The City must provide notice of proposed Development Code text amendments to the Oregon Department of Land Conservation and Development and Metro at least 35 days in advance of the first public hearing. The required notice was provided on January 27, 2022.

The Development Code requires that notice of public hearings on legislative matters must be published in the Forest Grove News-Times at least five days before the hearing date. Published notice of the Planning Commission public hearing was published on March 10, 2022.

Opportunities for local public review and comment included:

- Planning Commission subcommittee with outside technical advisors
- Virtual online open house
- Online survey
- Social media announcements
- Online comment form
- Televised work session with Planning Commission and City Council
- Written materials in English and Spanish

IV. POLICY CONSIDERATIONS

Staff suggests the Planning Commission focus on the following policy areas where HB 2001 provides some flexibility in how local governments may approach compliance.

- Zoning district consolidation: A joint City Council and Planning Commission work session was held on January 24, 2022 to discuss the draft Development Code amendments.

Discussion during the work session indicated support for consolidating the City's low density zoning districts. As an alternative the City could retain the low density zoning districts with different lot sizes so long as middle housing types are not precluded.

- Detached duplexes: Currently, the Development Code defines duplexes as "Two dwelling units places so that some structural parts are in common and are located on a single lot. With this definition, detached duplexes are not allowed. The model code prepared by the Oregon Department of Land Conservation includes a definition for duplex that allows for a detached configuration. The City may amend the current duplex definition in the Development Code to allow for detached duplexes. Staff recommends such an amendment to allow for flexibility in duplex design and to allow placement of units in such a way so that units could be placed on individual lots. A benefit of this is it allows for potential ownership of the homes.
- Large cottage dwellings: The Oregon Administrative Rules defines cottage to mean an individual dwelling unit that is part of a cottage cluster. Cottage cluster is defined to mean a grouping of no fewer than four detached dwellings units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. The City could allow for larger units oriented around a common courtyard if desired. This type of housing would have to be something other than cottage or cottage cluster such as "courtyard housing". Allowing for "courtyard housing" would allow projects such as the Green Grove Cohousing development without discretionary planned development review.
- Dwelling diversity standard: the Development Code includes a dwelling diversity standard for single unit detached homes. The Code states that states:

"Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim and paint changes."

The dwelling diversity standard is not entirely clear and objective and sets somewhat arbitrary conditions. For example, it's unclear why similar housing facades are not allowed with either a 24- or 12-month period. In addition, minor trim and paint changes is open to interpretation. Such restrictions may prevent a prospective homeowner from purchasing a home model of their choice. Consideration should be given to whether the dwelling diversity standard unnecessarily restricts housing choice and increases the cost of housing production.

- Attached dwelling/townhome restrictions: currently the Development Code limits the number of attached townhouses in a row to a maximum of six attached units. HB 2001 allows for flexibility in this area. The Oregon model code defines townhouses as two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. The City could reduce or increase the number off attached units in a row if desired.

- On-street parking: the Oregon model code allows for counting on-street parking spaces as meeting off-street parking requirements. The on-street parking must be adjacent to the lot. The City may allow for a full credit or partial credit. The Development Code adoption package includes a 50% on-street parking credit.
- Lot sizes: HB 2001 allows for flexibility in establishing minimum lot sizes so long as middle housing is not precluded by the requirement. The required minimum lot size for middle housing types is largely based on the minimum lot size for single unit detached homes. Many of the planned development applications the City receives includes a request to allow lot sizes smaller than otherwise allowed in the zoning district. Under the City's planned development rules this is permissible. Reducing the required minimum lot size for single unit homes to reflect current development trends may reduce the need for planned development approval which requires a public hearing and Planning Commission approval. The Development Code adoption package has a minimum 3,500 square foot minimum lot size in the low density residential zoning district.
- Design standards: The model code includes design standards for middle housing types. The intent is to preclude structures without architectural details or unit definition. Examples of the design standards included in the model code and the City's Development Code adoption package requires a minimum 15% of the area of all street facades include windows, entry orientation requirements, and unit definition through design features such as roof dormers, balconies, façade offsets, recessed entries and porches. The City is not required to adopt design standards. The Development Code adoption package includes the design standards included in the model code.

VII. ALTERNATIVES

The following alternatives are available to the Planning Commission:

1. Adopt a motion recommending Development Code amendments to City Council as recommended by the Planning Commission.
2. Adopt a motion recommending City Council adopt the Model Code prepared by the Oregon Department of Land Conservation and Development and approved the Oregon Land Conservation Development Commission.
3. Adopt a motion recommending minimum compliance consistent with Oregon Administrative Rules Chapter 660, Division 46.

VIII. ALTERNATIVES ANALYSIS

Alternative 1: The Development Code Text Amendments were reviewed and discussed with the Planning Commission subcommittee/technical advisory committee and made available for broader community and developer review and comment. The proposed Development Code Text Amendments are intended to comply with HB 2001 while also reflecting local context and needs.

Alternative 2: The Model Code is a one-size fits all approach to HB 2001 implementation. The model code is available for viewing or downloading at:

[https://www.forestgrove-or.gov/sites/default/files/fileattachments/planning/page/48107/oar660046_exhibit b - large cities middle housing model code 20201209 1.pdf](https://www.forestgrove-or.gov/sites/default/files/fileattachments/planning/page/48107/oar660046_exhibit_b_-_large_cities_middle_housing_model_code_20201209_1.pdf)

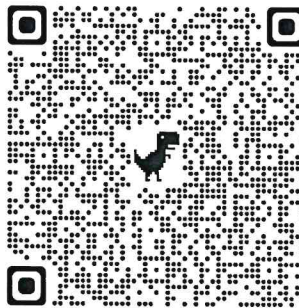
Scan the QR code below to access the model code:



Alternative 3: The Oregon Administrative Rules establish minimum compliance requirements. The administrative rules are available for review of downloading at:

[https://www.forestgrove-or.gov/sites/default/files/fileattachments/planning/page/48107/division 46 middle housing in medium and large cities.pdf](https://www.forestgrove-or.gov/sites/default/files/fileattachments/planning/page/48107/division_46_middle_housing_in_medium_and_large_cities.pdf)

Scan the QR code below to access the Oregon Administrative Rules:



IX. SUMMARY AND RECOMMENDATION

Staff recommends the Planning Commission conduct a public hearing on the proposed amendments, accept and consider testimony, and approve a motion recommending that City Council adopt an ordinance amending the Forest Grove Development Code as needed to comply with HB 2001.

X. LIST OF ATTACHMENTS

The following attachments are part of the staff report and entered into the record as evidence for this application at the time this staff report was written. Attachments received after the date of this report will be marked beginning with the next consecutive letter and will be entered into the record at the time the public hearing is opened, prior to oral testimony.

- A. PowerPoint Presentation for March 22nd Public Hearing
- B. Development Code Overview Memo, March 14, 2022

- C. Development Code Amendments Adoption Package with Commentary
- D. Development Code Text Amendments Supporting Findings

ATTACHMENT A



Planning Commission

HB 2001 & SB 458

Middle Housing

Public Hearing

Dan Riordan, Senior Planner

**Bryan Pohl, Director of Community
Development**

3/22/2022



THE SUBJECT

- ❑ The Governor signed into law, House Bill (HB) 2001 and Senate Bill (SB) 458 related to expanding choices throughout Oregon and encouraging lower cost housing options.
- ❑ HB 2001 requires that cities in the Metro boundary, and large cities elsewhere in the state, allow “middle housing types” in zones that allow single-unit homes:
- ❑ Middle housing types include:
 - ❑ Duplexes
 - ❑ Triplexes
 - ❑ Quadplexes
 - ❑ Townhomes
 - ❑ Cottages in cottage clusters

THE SUBJECT

- ❑ HB 2001 requires that cities adopt amendments to local development codes that are needed for compliance with HB 2001 and SB 458.
- ❑ Cities have three options for compliance:
 - ❑ Minimum compliance consistent with Oregon Administrative Rules
 - ❑ Adopt the Model Code prepared by the Oregon Department of Land Conservation and Development. The Model Code goes beyond the administrative rules
 - ❑ A middle ground approach so long as requirements don't increase development costs or result in approval delays.
- ❑ Staff is proposing a middle ground approach. The amendments must be effective by June 30, 2022.

OVERVIEW

- ❑ Modify Development Code wording to remove ambiguous language or wording subject to interpretation. This is a requirement of HB 2001 and Oregon Revised Statutes
- ❑ Consolidated the City's R-10, R-7, and R-5 low density zoning districts into one district since the existing zones are based on density and HB 2001 blurs this distinction by requiring middle housing types.
- ❑ Reduce required off-street parking requirements consistent with HB 2001: one space per unit. Home builders may choose to include more than one off-street parking but it can't be required.

OVERVIEW

- ❑ Regulate development intensity by floor area allowed on a lot rather than maximum density. This is based on the Oregon Model Code
- ❑ Add definitions for middle housing types and other terms referenced in HB 2001.
- ❑ Add Senate Bill 458 requirements for middle housing land divisions so middle housing can be sold with land to promote homeownership.

FLEXIBILITY

- ❑ There are only a few areas where HB 2001 allows local flexibility:
 - ❑ Zoning district consolidation.
 - ❑ Detached duplexes.
 - ❑ Large cottage dwellings.
 - ❑ Dwelling diversity standard.
 - ❑ Attached townhome restrictions.
 - ❑ On-street parking.
 - ❑ Lot sizes.
 - ❑ Design standards

COMMUNITY OUTREACH

- ☐ Community outreach included:
 - ☐ Planning Commission subcommittee with outside technical advisors
 - ☐ Virtual online open house
 - ☐ Online survey
 - ☐ Social media announcements
 - ☐ Online comment form
 - ☐ Televised work sessions with the Planning Commission and City Council
 - ☐ Written materials in English and Spanish

STAFF RECOMMENDATION

☐ Staff recommends:

- ☐ The Planning Commission take public comments on the proposed code amendments attached to the written staff report; and
- ☐ Approve a motion recommending that City Council adopt an ordinance approving amendments to the Forest Grove Development Code as needed to comply with HB 2001.

Date: March 14, 2022
To: Planning Commission
From: Dan Riordan, Senior Planner
Re: Development Code Amendments Adoption Package

Attached for review and discussion during the Planning Commission work session on March 7th, is the draft Development Code adoption package to implement the Middle Housing Law (HB 2001). The draft amendments draw from the Oregon Administrative Rules for HB 2001 and the Model Code prepared by the Oregon Department of Land Conservation and Development (DLCD). Wording proposed for deletion from the Development Code is shown by strike out text. Wording and graphics proposed for addition to the Development Code is shown by underlined text.

A summary of the draft Development Code changes is provided below:

- Development Code §17.1.225 (Application Contents): Revise wording to remove non-clear and objective wording for a required development transportation study and to describe the methodology. (page 3)
- Development Code §17.2.310 (Design Review Applicability): Revise wording consistent with HB 2001 that approval processes for middle housing must be the same as for single unit detached homes. (page 4 – page 6)
- Development Code §17.2.350 (Design Review Criteria): Replace Design Review Commission with Planning Commission (page 6).
- Development Code §17.2.430 (Site Development Review): Clarify that the site development review process for a single unit detached dwelling also applies to middle housing consistent with HB 2001. Revise wording to remove non-clear and objective wording. (page 7 – page 8)
- Development Code §17.3.010 (Classification of Zones): Consolidate zoning districts. (page 9)
- Development Code §17.3.110 (Residential Zones): Revise to reflect consolidation of zoning districts. (page 10 – page 11)
- Development Code §17.3.120, Table 3-2 (Residential Zones Use Table): Revise table to reflect zoning district consolidation and add middle housing types. Specify that multifamily is five or more units instead of three or more as currently defined). Remove restriction on the number of duplexes within a subdivision consistent with HB 2001. (page 12 – page 16)

- Development Code §17.3.320, Table 3-10 (Commercial and Mixed Use Zone Use Table): Revise table to include middle housing types as permitted uses in the Neighborhood Mixed Use (NMU) zone. (page 17)
- Development Code §17.3.130 (Residential Zone Development Standards): Add wording for floor area ratio and add floor area ratio standards. Add minimum density requirements and delete maximum density requirements. (page 19- page 23)
- Development Code §17.3.130, Table 3-5 (Lot Dimensional Requirements – RL Zone): Add minimum and maximum lot size and lot dimension requirements in the low density residential zone. (page 24)
- Development Code §17.3.130, Table 3-6 (Lot Dimensional Requirements – RM and RH Zone): Add minimum lot size and minimum lot dimensional requirements for the medium and high density residential zones. (page 26)
- Development Code §17.3.130, Table 3-7 (Minimum Setback Requirements): Revise building setback requirements consistent with DLCD model code. (page 27)
- Development Code §17.6.300 (Article 6 – Land Divisions): Add wording for SB 458, Middle Housing Land Divisions. (page 31 – page 32)
- Development Code §17.7.050 (Exceptions to Lot Size, Yards, and Projections): Add wording to prohibit encroachment of projections into or over utility easements. (page 33)
- Development Code §17.8.130 (Widths and Locations of Driveway and Curb Cuts): Add DLCD Model Code wording for middle housing driveway approaches. (page 34)
- Development Code §17.8.710 (Building Design and Development Standards): Revised to include middle housing types and add DLCD Model Code wording. Delete redundant text. (pages 35 - 48)
- Development Code §17.8.515 (Off-street Parking Requirements, Table 8-4 (Parking Requirements): Add wording for minimum required off-street parking for middle housing types and add wording to allow up to 50% credit for on-street parking to satisfy required parking requirements. (pages 49 – 51)
- Development Code §17.8.520 (Reduction or Modification of Off-street Parking Requirement): Revised wording to make multifamily development near frequent transit service eligible for a 10% reduction in the off-street parking requirement. Current the reduction is only allowed for commercial and industrial uses. (page 51)
- Development Code §17.8.905 (Land Division Standards): Revise wording to remove non-clear and objective wording. (pages 52 – 55)

- Development Code §17.12.210 (Meaning of Specific Words and Terms): Revise the definitions section to add middle housing terms from the HB 2001 administrative rules and DLCD Model Code. (pages 56 – 58)

ATTACHMENT C

City of Forest Grove
HB 2001 Implementation
Development Code Adoption Package

Public Hearing Draft
Markup Copy with Commentary

March 14, 2022

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17.1.225 APPLICATION CONTENTS

- D. A transportation study ~~is may be~~ required ~~by the Director~~ when determined ~~by the City~~ at ~~the a~~ pre-application conference the proposed project would have ~~potential traffic~~ circulation or safety impacts, need for off-site street improvements or would increase traffic on ~~City adjacent~~ -streets by at least 50 peak hourly trips, ~~or at least 500 average daily trips,~~ or a Transportation Impact Study is required by the Oregon Department of Transportation ~~or Washington County~~ Department of Land Use and Transportation. The transportation study shall be prepared under the supervision of professional engineer qualified in the traffic engineering field as defined by OAR 820-040-0030. The transportation study shall include the expected trip generation of the proposed development including the weekday AM peak hour, PM peak hour, and daily traffic estimates. The transportation study shall identify all site-access points and intersections (signalized and un-signalized) adjacent to the development site. If the development site fronts an arterial or collector street the analysis shall identify and assess all intersections within ¼ mile of the development site.~~The Director may also require a transportation study for any one project or multiple projects where there may be cumulative traffic impacts from two or more projects affecting one or more transportation facilities.~~

Revised to remove non-clear and objective wording and describe methodology.

DESIGN REVIEW

§ 17.2.300 PURPOSE

The purpose of Design Review is to:

- A. Establish guidelines and standards that will promote good neighborhood design;
- B. Encourage development that upholds property values and becomes a long-term asset to the community;
- C. Encourage creative and cost-effective building and site design; and
- D. Provide flexibility in the administration of development standards.

In addition to the requirements of this section, applications subject to design review are also subject to site development review as provided in §17.2.400 (a separate application and fee is not required).

§ 17.2.310 APPLICABILITY

Design review is required for the following:

- A. ~~New single family attached developments;~~
- B. New multi-unit developments with more than six (6) units;
- C. New commercial development;
- D. Alterations, remodels, or renovations of commercial development in the Town Center and Neighborhood Commercial zones which result in additional floor area of more than 400 square feet; and
- E. Alterations, remodels, or renovations of commercial development in all other Commercial zones which result in additional floor area of more than 1,000 square feet.
- F. New development in a historic district;
- G. Alterations, remodels, renovations or relocations of a historic landmark; and
- H. Alterations, remodels, renovations or relocations of a historic contributing building.

HB 2001 does not allow additional requirements for middle housing types beyond what is required for a single unit detached home on the same lot.

§ 17.2.320 OVERVIEW OF PROCESS

Design review applications will be processed in one of two tracks: Development Standards or Design Guidelines. The applicant shall identify the desired tract as part of the initial application. The tracks are described as follows:

Track 1 -- Development Standards. Applications are required to meet the clear and objective development standards which are provided in the development code. These requirements are intended to be specific and directive. The purpose is to establish a baseline for site plan design which works in conjunction with other requirements of the development code.

Track 2 -- Design Guidelines. Applications allow more flexibility in terms of design. Under this process the applicant shall be held to the intent of the standards, but is allowed to vary from these standards if demonstrated that related guidelines and objectives are adequately addressed and that the deviation results in a higher quality development than would result under a strict interpretation of the code.

§ 17.2.330 PROCEDURE

The design review applicant must select one of two design review tracks: (1) development standards track or the (2) design guidelines track. Depending upon the tract and specific

characteristics of the project, these are reviewed under a Type II or Type III procedure, as described below.

A. Track 1 – Development Standards. Applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 1 – Design Standards applications:

a. ~~Multifamily developments with 3–5 units; and~~

b. ~~a.~~ Commercial alterations, remodels, renovation, and new construction of less than 10,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 1 design review applications:

a. Multifamily developments with more than ~~six (6)~~ five (5) units;

b. Commercial alterations, remodels, renovation, and new construction of more than 10,000 square feet.; and

c. Any Type II design review application elevated by the Director to the Type III procedure.

HB 2001 requires review of middle housing types under the same process as detached single unit homes in the same zone. Middle housing includes triplexes, quadplexes which are technically multifamily developments. The result of this change is middle housing will be reviewed through a Type I administrative review process. Unlike the Type II process a Type I process does not require providing notice to property owners and residents within 300 feet of the project site and a 14-day comment period.

B. Track 2 – Design Guidelines. The review standards are intended to be flexible in nature. This process does not allow applicants to avoid any City requirements, but may provide alternative methods for meeting requirements. Track 2 applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 2 design review applications:

a. ~~Multifamily developments with 3–5 units; and~~

See comment above.

b. Commercial alterations, remodels, renovation, and new construction of less than 3,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 2 design review applications:

- a. Multifamily developments with more than six (6) units;
- b. Commercial alterations, remodels, renovation, and new construction of more than 3,000 square feet; and
- c. Any Type II design review application elevated by the Director to the Type III procedure.

§ 17.2.340 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II or Type III application, and the submittal requirements of a Site Plan in §17.2.440, the following documents are required for Design Review. Plans shall be drawn to scale and fully dimensioned. At the pre-application conference, the Director may specify more detailed submittal requirements or waive specific submittal requirements if warranted.

- A. Architectural drawings, renderings, sketches and a materials board showing all elevations of proposed buildings as they will appear on completion.
- B. All existing and proposed walls and fences, including the location, height, type of design and composition.
- C. An open space plan showing the locations and dimensions of common and private open space, including active and passive recreational areas.

§ 17.2.350 REVIEW CRITERIA

Projects subject to design review by the Director (Type II) or the ~~Design Review Planning~~ Commission (Type III) shall be evaluated based on the following:

- A. The development standards of the applicable zoning district and any overlay district;
- B. The general development standards of Article 8.
- C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:
 - 1. The design guidelines contained in the applicable section of the “Design Guideline Handbook” are adequately addressed.
 - 2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

SITE DEVELOPMENT REVIEW

§ 17.2.430 PROCEDURE

Site development review is categorized as a Type I procedure for a ~~one (1)~~ single-unit family detached dwelling on an individual lot; townhouse on an individual lot, ~~one (1)~~ duplex on an individual lot; triplex on an individual lot, quadplex on an individual lot, cottage cluster project, or ~~one (1)~~ manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.

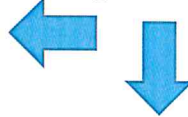
The purpose of this change is to clarify that the site development review process for a single unit detached dwelling also applies to middle housing types.

§ 17.2.450 REVIEW CRITERIA

The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates ~~The site development plan complies with all applicable standards of the base zoning district (Article 3), any overlay district, and the applicable general development standards of Article 8.~~
- B. ~~The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:~~
1. ~~Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and~~
 2. ~~Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.~~
- C. The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site. ~~preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:~~
1. ~~Significant on-site vegetation and trees;~~
 2. ~~Prominent topographic features; and~~
 3. ~~Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.~~

These changes remove non-clear and objective wording.



- D. ~~The site development plan preserves or adequately mitigates impacts to designated historic resources.~~
- E. ~~The site development plan provides adequate right of way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right of way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.~~
- F. ~~The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.~~

ZONING DISTRICTS

ZONING MAP

§ 17.3.010 CLASSIFICATION OF ZONES

All areas within the corporate limits of the City of Forest Grove are divided into the following zones:

**TABLE 3-1
Zoning Districts**

<u>Zoning District</u>	<u>Map Symbol</u>
Single-Family Residential	R-5 <u>RL</u>
Single-Family Residential	R-7
Single-Family Residential	R-10
Suburban Residential	SR
Multi-Unit (Low) Residential	RML <u>RM</u>
Multi-Unit (High) Residential	RMH <u>RH</u>
Institutional	INST
Community Commercial	CC
Commercial – Neighborhood	NC
Town Center Core	TCC
Town Center Transition	TCT
Light Industrial	LI
General Industrial	GI
Business Industrial Park	BIP
<u>Overlay District (Article 4)</u>	<u>Map Symbol</u>
Master Plan	MP
Planned Development	PD
Mixed Use Planned Development	MUPD

This change results in consolidating the single-family residential districts into one district RL (Residential Low)

This change creates the RM (Multi-Unit Residential Medium) and RH (Multi-Unit High) zoning districts consistent with the Medium Density Residential and High Density Residential Comprehensive Plan Map designations.

RESIDENTIAL ZONES

§ 17.3.100 PURPOSE

The City of Forest Grove has established ~~six~~ four residential zones to implement the Residential designations of the Comprehensive Plan. The zones provide the flexibility for a range of lot sizes and housing types. The six zones are distinguished primarily by the ~~housing types allowed number of dwelling units permitted per net acre~~. Target densities are established for each zone. The Code also provides an opportunity for a density bonus in each of the zones to encourage special design features and amenities when a Planned Development (PD) process is followed. The regulations of the residential zones are intended to ~~protect the livability of existing and future residential neighbor hoods by encouraging primarily residential development with compatible non-residential development at appropriate locations and at an appropriate scale~~. Another purpose of these regulations is to encourage a full range of owner-occupied and rental housing opportunities at affordable prices.

§ 17.3.110 LIST OF RESIDENTIAL ZONES

A. Suburban Residential SR

The SR zone is intended for development of housing at a target density of 1.0 dwelling unit per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are permitted or allowed with conditional use permit approval.

B. Residential R-10

~~The R-10 zone is intended for development of housing at a target density of 4.35 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

Revise to reflect zoning district consolidation.



C. Residential R-7

~~The R-7 zone is intended for development of housing at a target density of 6.22 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

D. Residential ~~R-5~~ RL

The ~~R-5~~ RL zone is intended for development of variety of housing types at a target density of 8.71 dwelling units per net acre including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. ~~Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone.~~ A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

E. Residential ~~Medium~~ RML

The RML zone is intended for development of single unit detached, single unit attached and small multi-unit dwellings, homes on small lots, housing at a target density of 12 dwelling units per net acre. Small lot single family housing, duplexes, attached dwellings and small multi-dwelling residences will be permitted housing types, subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval. The ~~RML~~ zone functions as a transition zone between the lower density residential zones and the higher intensity residential and non-residential zones.

F. Residential ~~High~~ RMH

The RMH zone is intended for development of multi-unit residential buildings. This zone also allows small lot single unit homes, at a target density of 20.28 dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§ 17.3.120 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Residential zones are listed in Table 3-2 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-2 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-2 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. The conditional use process and approval criteria are stated in §17.2.200.
- D. Not Permitted Uses. Uses listed in Table 3-2 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of §17.7.100 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

TABLE 3-2
Residential Zones: Use Table

Revised table to reflect zoning district consolidation and add middle housing types. Accessory dwelling units changed from Limited use to Accessory use. Multifamily is shown as five or more units instead of three or more units as currently defined.

USE CATEGORY	SR	R-10	R-7	R-5 <u>RL</u>	RML <u>RM</u>	RMH <u>RH</u>
<u>RESIDENTIAL</u>						
Household Living	P	P	P	P	P	P
Group Living	L ^[1]	L^[4]	L^[4]	L ^[1]	L ^[1]	L ^[1]
Transitional Housing	N	N	N	N	C	C
Home Occupation	L ^[2]	L^[2]	L^[2]	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	L ^[3]	L^[3]	L^[3]	L ^[3]	L ^[3]	L ^[3]
<u>HOUSING TYPES</u>						
Single Units, Detached	P	P	P	P	P	L ^[4]
Single Units, Attached/ <u>Townhouses</u>	L ^[5]	L^[5]	L^[5]	L ^[5]	P	P
Accessory <u>Dwelling</u> Units	L^[6]	L^[6]	L^[6]	L^[6]	L^[6]	L^[6]
Duplexes	L ^[5]	L^[5]	L^[5]	L ^[5]	P	P
<u>Triplexes</u>	P			P	P	P
<u>Quadplexes</u>	P			P	P	P
<u>Cottages/Cottage Clusters</u>	P			P	P	P
Manufactured Homes <u>on Lots</u>	L ^[7]	L^[7]	L^[7]	L ^[7]	L ^[7]	L ^[7]
Manufactured Home Park	N	C	C	C	C	C
Multi-Family Units <u>(five or more units)</u>	N	N	N	N	P	P
<u>CIVIC / INSTITUTIONAL</u>						
Basic Utilities	P	P	P	P	P	P
Major Utility Transmission Facilities	C	C	C	C	C	C
Colleges	C	C	C	C	C	C
Community Recreation	P/C ^[8]	P/C^[8]	P/C^[8]	P/C ^[8]	P/C ^[8]	P/C ^[8]
Cultural Institutions	C	C	C	C	C	C
Day Care	L ^[9]	L^[9]	L^[9]	L ^[9]	L ^[9]	L ^[9]
Emergency Services	C	C	C	C	C	C
Postal Services	N	N	N	N	N	N

Religious Institutions	C	€	€	C	C	C
Schools	C	€	€	C	C	C
Social/ Fraternal Clubs / Lodges	N	N	N	N	N	C
COMMERCIAL Commercial Lodging	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N
Entertainment – Oriented: - Major Event Entertainment	N	N	N	N	N	N
- Outdoor Entertainment	N	N	N	N	N	N
- Indoor Entertainment	N	N	N	N	N	N
General Retail: - Sales – Oriented	N	€^[10]	€^[10]	C ^[10]	C ^[10]	C ^[10]
- Personal Services	N	N	N	N	N	N
- Repair – Oriented	N	N	N	N	N	N
- Bulk Sales	N	N	N	N	N	N
- Outdoor Sales	N	N	N	N	N	N
- Animal – Related	N	N	N	N	N	N
Medical Centers	N	N	N	N	N	N
Motor Vehicle Related: - Motor Vehicle Sale / Rental	N	N	N	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N	N	N	N
- Motor Vehicle Fuel Sales	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	N

<u>INDUSTRIAL</u>						
Industrial Services	N	N	N	N	N	N
Manufacturing and Production:						
- Light Industrial	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N
Call Centers	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N
Warehouse / Freight Movement	N	N	N	N	N	N
Waste – Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
<u>OTHER</u>						
Agriculture / Horticulture	L ^[11]	L ^[11]	L ^[11]	L ^[11]	L ^[11]	N
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L ^[12]	L ^[12]	L ^[12]	L ^[12]	L ^[12]	L ^[12]
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Table Footnotes:

- [1] Group living with five (5) or fewer residents permitted by right; group living with six (6) or more residents requires conditional use approval.
- [2] Home occupation permitted as an accessory use in all residential zones, subject to compliance with the home occupation standards in Article 7.
- [3] Bed & Breakfast Inn limited to five (5) guest rooms in the SR, ~~R-10, R-7, R-5~~ RL and ~~RML~~ zones and ten (10) guest rooms in the ~~RMH~~ zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve ~~RMH~~ land for development of multi-family housing, new detached single-~~family units~~ unit homes (including manufactured homes) shall only be allowed on existing lots of record smaller than 5,000 square feet.
- [5] ~~For subdivision of twenty (20) or more lots, eight percent (8%) of the lots may be developed as duplex or single family attached lots. An increase of up to maximum of twenty percent (20%) may be approved by the Director if the criteria in §17.3.130(E) are adequately addressed.~~
- [6] Accessory dwelling units –including manufactured homes - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. Manufactured home ADUs are prohibited in historic districts.

Under HB 2001, duplexes are permitted outright on lots or parcels where detached single unit homes are allowed. To comply with HB 2001 footnote 5 should be deleted.



- [7] Manufactured homes on individual lots are permitted except within national historic districts, subject to compliance with the standards in Article 7. Manufactured homes are prohibited within a national historic district.
- [8] Commercial recreation uses including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [9] A day care facility (care of up to 16 children) is permitted in all residential zones. A day care institution (care of more 16 children) requires approval of a conditional use permit in all residential zones. A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.
- [10] A neighborhood store, limited to a size of 2,000 square feet, is permitted with approval of a conditional use permit. No retail outlet regulated by the Oregon Liquor Control Commission - other than those operating under an Off-Premises Sales License - is allowed in any residential zone district. Stores must be located along a collector street.
- [11] Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses including but not limited to marijuana grow sites for commercial or medical purposes as regulated by the State, and buildings and the keeping of livestock and poultry (other than ordinary household pets) are not permitted.
- [12] Wireless communication facilities are regulated by the standards in Article 7.

§17.3.320 Table 3-10
Commercial and Mixed Use Zone Use Table

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2]	P/L ^[14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P	L ^[4]
<u>HOUSING TYPES</u>			
Single Units, Detached	N	N	L ^[18]
Single Units, Attached/ <u>Townhomes</u>	N	P	P
Accessory <u>Dwelling</u> Units	N	N	NP
Duplexes	N	P	P
<u>Triplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Quadplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cottages/Cottage Clusters</u>	<u>N</u>	<u>P</u>	<u>P</u>
Manufactured Dwellings	N	N	N
Manufactured Dwelling Park	N	N	N
Multi-Family Units	P	P	P
Emergency Services	C	C	L ^[15]
Postal Services	C	P	L ^[15]
Religious Institutions	C	P	L ^[15]
Schools	C	C	L ^[15]
Seasonal Shelters	N	L ^[19]	N
Social/ Fraternal Clubs / Lodges	C	P	L ^[15]
USE CATEGORY	NC	CC	NMU
<u>COMMERCIAL</u>			
Commercial Lodging	N	L ^[5]	L ^[15]
Eating and Drinking Establishments	L ^[6]	P	L ^[15]
Entertainment – Oriented: - Major Event Entertainment	N	N	N

- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	L ^[15]
General Retail: - Sales – Oriented	L ^[7]	L ^[7]	L ^[15]
- Personal Services	P	P	L ^[15]
- Repair – Oriented	P	P	L ^[15]
- Bulk Sales	N	P	N
- Outdoor Sales	L ^[8]	L ^[8]	L ^[15]
- Animal – Related	N	P	N
Medical Centers	N	L ^[12]	N
Motor Vehicle Related: - Motor Vehicles Sale / Rental	N	L ^[9]	N
- Motor Vehicle Servicing / Repair	N	P	L ^[16]
- Motor Vehicle Fuel Sales	P ^[10]	P	N
Non-Accessory Parking	N	P	N
Office	L ^[17]	L ^[17]	L ^{[16] [17]}
Self-Service Storage	N	C	N
<u>INDUSTRIAL</u>			
Industrial Services	N	N	N
Manufacturing and Production: - Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
<u>OTHER</u>			
Agriculture / Horticulture	L	L	L
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[13]	L ^[13]	L ^[13]

§ 17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

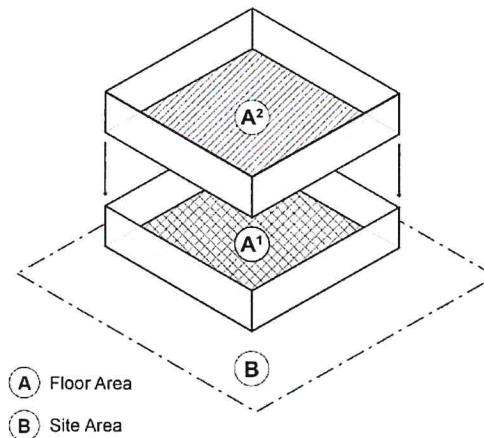
A. Residential Floor Area Ratios (FAR) and Densities

The City of Forest Grove regulates residential development primarily by floor area ratio (FAR), lot coverage, or density rather than minimum lot size. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area. Density is calculated based on net site area. Within the density limits of each of the ~~five~~ four residential zones, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with the flexibility of a Planned Development.

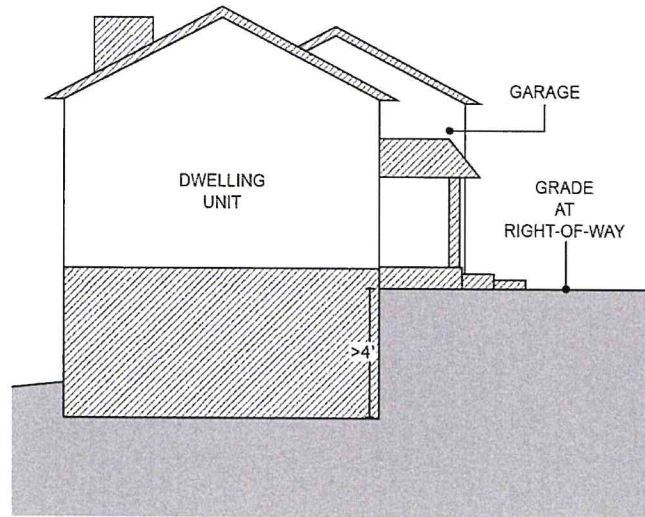
Residential development density has been regulated based on minimum and maximum development density. Under this approach, the maximum number of units permissible on a lot or parcel is determined by multiplying the size of the lot, measured in acres or fraction of acres, and the stated maximum density.

HB 2001 essentially does away with density since HB 2001 stipulates maximum density requirements cannot result in prohibiting the development of a middle housing type on the subject lot or parcel.

An alternative approach for regulating development density is floor area ratio, described in this section, which is permissible under HB 2001.



$$\text{FAR} = \frac{A^1 + A^2}{B}$$



Area not included in floor area calculation

All residential subdivisions and multi-family developments are required to develop at a minimum of 80% of the targeted density.

TABLE 3-3: Residential Zone Floor Area Ratio and Density Standards

Zoning District	Average Lot Size	Target	Minimum	Incentive*
SR	43,560 square feet	1.00	0.80	1.20
R-10	10,000 square feet	4.35	3.48	5.22
R-7	7,000 square feet	6.22	4.98	7.15
R-5	5,000 square feet	8.71	6.97	17.02
RML	—	12.00	9.60	13.80
RMH	—	20.28	16.22	23.32

Density = dwelling units / NET ACRE
Minimum Density = 80% of Target
Incentive Density = 115% of Target except for SR and R-10, which is 120% of Target

* Only allowed a part of a Planned Development (see §17.4.200)

<u>Zoning District</u>	<u>Minimum FAR</u>	<u>Maximum FAR</u>	<u>Minimum Density</u>	<u>Maximum Density</u>
SR	None	0.4	0.8	N/A
RL	None	0.8	6.22	N/A
RM	0.25	2.0	12.0	N/A
RH	0.50	4.0	20.28	N/A

B. Calculating Potential Densities

~~The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.~~

~~1. The Target Density is permitted outright.~~

~~2. The Minimum Density is required to ensure:~~

~~a. Land is being used at the appropriate intensity planned for the area;~~

~~b. Enough dwelling units can be developed to accommodate the projected need for housing; and~~

~~c. Compliance with the Metro Functional Plan.~~

~~3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §17.4.200).~~

A minimum density should be established to ensure the City meets the Metropolitan Housing Rule (OAR 660-007). The Metropolitan Housing Rule requires that Forest Grove provide opportunity for residential development at an overall density of eight or more dwellings per net buildable acre.

Without a minimum density, there would be no restriction to creating large lots in subdivisions at the upper end of the allowed maximum lot size. If this occurs it could be difficult to ensure that the City complies with the Metropolitan Housing Rule.

C.B Density Reductions Due to Slope

All densities (target, minimum and incentive) listed in Table 3-3 shall be reduced based on the slope of the property as shown below. Where a parcel has areas of different slopes, the property shall be divided up into areas of like slopes, and the reductions applied to those areas. If the areas of similar slopes do not fit into the categories below, the Director shall use a percentage reduction that is based on the slope-to-density reduction relationship expressed in Table 3-4 (For example, an area of 13% to 18% slope would receive a reduction of around 25%).

TABLE 3-4: Density Reduction for Slopes

Average Slope	Reduction in Density
10% to 14.9%	10%
15% to 24.9%	30%
25% to 34.9%	50%
35% and above	100%

For development sites over two (2) acres that have an average slope greater than 20% (see definition), development is only allowed through approval of a Planned Development.

D. Exemptions from Minimum Density Standards

1. Small Parcels. The minimum density standards set forth in Table 3-3 focus primarily on subdivisions and multi-family developments. The standards do not apply to individual single family building permits on existing parcels or to partitions or development on parcels smaller than one-half (1/2) acre. The City does not want to inhibit infill development or require densities that are out of scale with established neighborhoods with the application of minimum density standards to small parcels. However, this exemption does not reduce the target density allowed outright on parcels smaller than one-half (1/2) acre; it only removes the requirement for a minimum number of units.

E. Incentive Density

Planned Developments may request a density bonus up to a maximum of the Incentive Density shown in Table 3-3 and shall be based on the following discretionary criteria:

Incentive density is not needed for the single unit residential zone since density will be replaced by floor area ratio. The incentive density provisions could be retained for multi-unit zones but very few projects seek incentive density approval.

1. The availability and accessibility of public transportation, and/or connectivity improvements likely to result in reduced vehicular use.
2. How well natural resources such as streams, riparian areas and wetlands are protected, integrated into the design residential development, defined as a common area, and made accessible to as many individual parcels/units as possible.
3. How well common recreational areas are integrated into the design of the residential development, such that there is the maximum number of physical connections to lots and units, and visual connections to future dwelling sites.
4. Public accessibility and use of the common recreation area where appropriate, given the intended use of the area, linkage to future trails, etc.
5. Other design features, amenities, and/or improvements which can be shown (by use of built examples) to increase the value of the residential development for neighborhood residents and the general public and/or provide more affordable housing.

F. Minimum Lot Size and Dimensions (SR, R-10, R-7 and R-5- RL Zones)

Varied lot sizes and housing types are permitted and encouraged within the ~~density ranges established for the SR, R-10, R-7 and R-5 Zones~~ RL zone. ~~As described above, the number of units allowed on a parcel is based on the target density allowed for the particular zone (See Table 3-3).~~

The City has established base minimum lot size and dimensional standards ~~that apply after the potential number of units has been determined. These standards~~ to ensure that each lot has enough area for a house, garage, setbacks and private outdoor area. To ensure that development can be built near to and oriented toward the street, a minimum width at the front setback line is required.

The minimum lot size is the smallest permissible size of a building lot. See Article 6 Land Divisions for additional lot development standards.

TABLE 3-5: Lot Dimensional Requirements (~~Low-Density Residential~~ RL Zone)¹

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions ^[1]</u>	
Single-Family Detached	70% of average lot size <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 75 feet <u>60 feet</u>	Width: 50 feet <u>35 feet</u>
Manufactured Home	70% of average lot size <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 75 feet <u>60 feet</u>	Width: 50 feet <u>35 feet</u>
Duplex	5,000 <u>3,500</u> Square Feet	<u>15,000 square feet</u>	Depth: 75 feet <u>60 feet</u>	Width: 50 feet
Single-family Attached/ <u>Townhouse</u>	2,500 Square Feet <u>1,500 square feet</u>	<u>15,000 square feet</u>	Depth: 75 feet <u>60 feet</u>	Width: 25 feet <u>20 feet</u>
<u>Triplex</u>	<u>3,500 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>3,500 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
Other Uses	5,000 Square Feet		Depth: 75 feet	Width: 50 feet

Footnote: [1] Lot width is measured at the front building line.

¹ Minimum and maximum lot sizes apply to land divisions. Parcels larger than the maximum lot sizes shown in Table 3-5 are allowed for purposes of phasing development or reserving land for open space or undevelopable tracts.

A maximum lot size should be established since a maximum density will no longer apply to the SR and RL zones.

The proposed maximum lot size for single family attached/townhouse homes is 2,500 square feet. This will allow for 6 townhouse units on lots of 2,500 square feet each. Currently, the code limits single family attached homes to a maximum of six units in series.

The proposed minimum lot size for a triplex is 7,500 square feet. The proposed maximum lot size of 15,000 square feet would allow for construction of a triplex.

The DLCDC Model Code requires that cottage clusters meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone. The administrative rules state a City is not required to apply minimum lot sizes to new cottage clusters. However, if a City applies standards to regulate minimum lot sizes, the minimum lot size for a cottage cluster may be no greater than 7,000 square if the minimum lot size for detached single unit home is 7,000 square feet or less.

Under the administrative rules a City may not apply density maximums to the development of cottage clusters.

G. Minimum Lot Size and Dimensions (RML and RMH Zones)

Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the RML and RMH Zones. However, construction of new single family detached units is restricted to existing lots smaller than 5,000 square feet in the RMH Zone in order to retain land for multi-family housing. The following base minimum lot size and dimensional standards apply after the potential number of units has been determined using Table 3-3.

HB 2001 would apply to the RM zone since single unit dwellings are allowed. In the RH zone single unit homes are also allowed but only on existing lots of record smaller than 5,000 square feet unless approved as a planned development. It appears HB 2001 applies to the RM and RH zones since these zones are zoned for residential use and the development of detached single unit dwellings are allowed.

TABLE 3-6: Lot Dimensional Requirements

Moderate-to-High Density Residential RM and RH Zones

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Dimensions ^[1]</u>	
Single-family Detached	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Manufactured Home	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Duplex	4,200 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 60 feet
Single-Family Attached/ <u>Townhome</u>	2,500 <u>1,500</u> Square Feet	Depth: 70 feet/ 65 feet with vehicular access from alley	Width: 25 <u>20</u> feet
Single-Family Attached (RMH Zone Only)	2,000 Square Feet	Depth: 70 feet/ 65 feet²	Width: 20 feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
Multi-Unit	7,000 Square Feet	Depth: 70 feet	Width: 100 feet
Other Uses	5,000 Square Feet	Depth: 70 feet	Width: 50 feet

Footnotes:

[1]

Lot width is measured at the front building line.

[2]

Depth allowed when vehicular access from a public alley

H. Setback Standards

Building setbacks have an important relationship to the character of the street. Because varied lot sizes and housing types are permitted in the residential zones, uniform setbacks are established to provide a consistent streetscape.

TABLE 3-7: Minimum Setback Requirements

<u>Front Yard, Dwelling</u> ^[1, 2]	<u>20 feet (possible reduction to 14 feet)</u>
<u>Front Yard, Garage</u>	<u>20 feet</u>
<u>Interior Side Yard</u> ^[3, 4]	<u>Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater</u>
<u>Corner Side Yard</u>	<u>Same as front yard</u>
<u>Rear Yard</u> ^[5, 6]	<u>15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.</u>

*Setbacks revised consistent with HB
2001 Model Code*



<u>Housing Type</u>	<u>Front Yard to Dwelling</u>	<u>Front Yard to Garage/Parking Area</u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Single Unit Detached</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Duplex</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Single Unit Attached/Townhouse</u>	<u>10 feet</u>	<u>20 feet</u>	<u>0 feet common wall construction</u> <u>5 feet exterior wall at end of structure</u>	<u>0 feet adjacent to alley</u> <u>10 feet no alley</u>
<u>Triplex & Quadplex</u>	<u>10 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Cottage Clusters</u>	<u>10 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Multi-Unit Structures</u>	<u>10 feet</u>	<u>14 feet</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>

Footnotes:

- [1] — ~~The front yard setback (for the dwelling or dwellings) may be reduced to 14 feet when the front facade is designed for orientation to and visibility from the street as follows: The front facade is designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front facing window such that a person (if there were no vegetation) would be able to see 100% of their front property line.~~
- [2] — ~~On an infill lot in a developed neighborhood with established front yard setbacks that are less than the twenty (20) foot standard, the setback for the new dwelling(s) and the location of the garage shall match front yard setback of the existing dwellings and garage location on abutting lots. Setback compatibility shall be determined through building plan check review, and shall not require a land use application or approval of an adjustment.~~

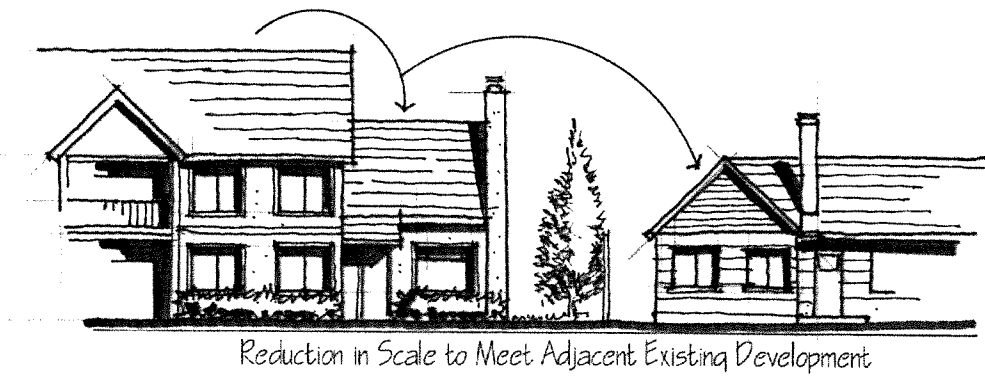
- [3] The side yard setback for attached single-unit family dwellings/townhomes shall be a minimum of zero (0) feet at common walls and five (5) feet or one (1) foot for each three (3) feet of building height at the eave line, from the end of the unit series. Unless approved by the Director, the dwellings shall be arranged on lots in a manner that the non-zero setback portion for one lot shall be adjacent to the non-zero setback portion on the adjoining lot in order to provide greater continuous open space.
- [4] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height shall not be located closer than five (5) feet to any side or rear property line.
- [5] Attached garages which exit to an alley may have a minimum rear yard setback of five (5) feet.
- [6] A larger rear yard setback may be required for multi-family dwellings when the rear yard abuts a lower density residential zone. The need for a larger rear yard setback to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process. The screening and buffering standards of Article 8 will be used as guidelines.

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

- 1. Buildings in the SR, ~~R-10, R-7, R-5~~ RL and ~~RML~~ Zones are limited to a maximum height of two and one half (2 ½) stories or thirty-five (35) feet, whichever is less. Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.
- 2. Buildings in the ~~RMH~~ Zone are limited to a maximum height of three (3) stories or forty-five (45) feet, whichever is less. A step-down in building heights may be required for multi-family building(s) that abut a lower density residential zone. The need for a step down in building heights to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process.
- 3. A chimney, radio or television antenna, or device designed for the collection and/or generation of energy from the sun and/or wind may exceed the building height limit by a maximum of fifteen (15) feet.
- 4. Church steeples may exceed 35 feet in height through a Type II process. The maximum height is 15 feet above the building height limit in any location allowed by other requirements of the zone district. Church steeples may go to a maximum total height of 75 feet provided that setbacks of 1 foot for each 1 foot in height from the property line are maintained.

Figure 3-1
Step-down in Building Height



17.3.140 RESIDENTIAL DESIGN STANDARDS

All residential development is subject to the design standards found in §17.8.710.

LAND DIVISIONS

17.6.000 OVERVIEW OF ARTICLE 6

This Article guides what is often the first major step in the development process, how land is divided into blocks, lots and streets. Land divisions define the pattern of a community, which in turn may shape the character of the community. This Article establishes the procedures for lot line adjustments, expedited land divisions, partitions and subdivisions. The provisions of this Article should be read together with the General Development Standards of Article 8. In particular, the standards for Public Improvements that are applicable to all development, including land divisions, are addressed in Article 8.

Land divisions occur through either a partition or subdivision process.

- A partition procedure is used when three (3) or fewer units (generally referred to as “parcels”) are created in a calendar year and may or may not involve creation of a street. Partitions are reviewed through a two-step process.
- A subdivision is used when four (4) or more units (generally referred to as “lots”) of land are created in a calendar year. Subdivisions are also reviewed through a two-step process. Subdivision applications may include a concurrent request for Planned Development (PD) approval to permit greater flexibility in the design of the subdivision. Provisions for Planned Developments are addressed in Article 4.

The following list summarizes topics covered in this Article:

- General Provisions
- Expedited Land Divisions
- Lot Line Adjustments
- Partitions
- Subdivisions
- Land Division Standards
- Middle Housing Land Divisions

*Add Middle Housing Land Division
section to implement Senate Bill 458.*



MIDDLE HOUSING LAND DIVISIONS

17.6.300 PURPOSE

Middle housing land divisions are established to promote ownership opportunities for duplex, triplex, quadplex and cottage housing units as allowed under ORS 197.758(2) or (3).

17.6.305 PROCEDURE

(A) A tentative plan for a middle housing land division shall be reviewed under the Expedited Land Division process in §17.6.010;

(B) An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.

(C) An application for a middle housing land division may not be subject to procedures, ordinances, or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

(D) The tentative approval of a middle housing land division is void if, and only if, a final partition or subdivision plat is not approved within three years from the date of the tentative plan approval.

17.6.310 REVIEW CRITERIA

The Director shall approve or deny an application for a middle housing land division based on the following criteria:

(A) The proposal for development of middle housing complies with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5). Evidence shall be provided by the application demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines and notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

(B) Separate utilities are provided for each dwelling unit;

(C) Easements are shown on the site plan for:

1. Locating, accessing, replacing and servicing all utilities;
2. Pedestrian access from each dwelling unit to a private or public street;
3. Any common use areas or shared buildings;
4. Driveways or parking areas.

(D) Exactly one dwelling unit is allowed on each resulting lot or parcel. No dwellings are allowed on lots, parcels or tracts used as common areas.

17.6.315 CONDITIONS OF APPROVAL

(A) The Director may require a condition of tentative plan approval to prohibit the further division of the resulting lots or parcels.

(B) The Director shall require that a notation appear on the final plat indicating that approval was granted under this section as a middle housing land division.

(C) The Director may require street frontage improvements where a resulting lot or parcel abuts a street consistent with land use regulations implementing ORS 197.758.

(D) The Director may require the dedication of right-of-way if the original parcel did not previously provide such dedication.

(E) An application for a middle housing land division may not be subjected to approval criteria or conditions except as described above in this section including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

GENERAL EXCEPTIONS

17.7.050 EXCEPTIONS TO LOT SIZE, YARDS AND PROJECTIONS

- A. Exceptions to Lot Size and Dimension Requirements for Residential Use. If an existing lot in single ownership at the time of adoption of this Code does not meet minimum lot area or dimension requirements of the applicable residential zone, the lot may be occupied by a residential use permitted outright in the respective zone. If there is an area deficiency, the residential use shall be limited to a single-family residence.
- C. Projections into Required Yards. The following structures may project into required yards:
1. Unroofed paved terraces and wood decks less than three (3) feet in height may project into required side or rear yards.
 2. Unroofed landings and stairs may project into required front or rear yards.
 3. Window sills, belt courses, cornices, eaves, canopies, sunshades, gutters, leaders and similar incidental architectural features – excluding balconies and decks more than three (3) feet from ground level – may project not more than two (2) feet into any required yard.
 4. Chimneys shall not project more than two (2) feet into any required yard.
 3. No projections may encroach into or over any utility easement.

HB 2001 established very shallow front yard setbacks. In some cases the minimum required setback is 10 feet. The typical required public utility easement is 10 feet. Code currently allows minor encroachments of up to 2 feet into setback areas. Eaves, canopies, unroofed landings and stairs may project into required front setback areas/yards. If a front yard is 10 feet a conflict is created with the typical public utility easement area.

GENERAL DEVELOPMENT STANDARDS

17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential ~~uses~~ projects more than five units, and ten (10) feet for single-family, ~~and two-family residential uses~~ duplex, triplex, fourplex and cottage clusters.

B. Maximum Driveway Widths at the street right-of-way line shall be as follows:

1. In residential zones –

a. 24 feet for lots with less than 60 feet of street frontage

b. 30 feet for lots with street frontages of 60 feet or greater

c. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot

e.d. Triplex and quadplexes on lots or parcels with frontages only on local streets may have either two driveway approaches not exceeding 32 feet in total or one maximum 16-foot wide driveway approach per frontage.

Model code wording for driveway approaches.

d.e. A maximum of one driveway approach is allowed for every single unit attached unit/townhouse. Driveway approaches and driveways may be shared provided reciprocal access easements are recorded.

BUILDING DESIGN AND DEVELOPMENT STANDARDS

SECTION 17.8.710

~~E. Single-Family and Duplex~~ E. Single-Unit and Middle Housing Types

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).

2. Applicability

- a. The standard relating to street connection is applicable to construction of single-family dwellings, townhouses, manufactured homes, ~~and duplexes, triplexes, an quadplexes on lots 9,000 square feet or smaller with an average slope of 12% or less.~~ The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. ~~The dwelling diversity standard is applicable to new subdivisions.~~ Compliance with the design standards is checked during building plan review. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

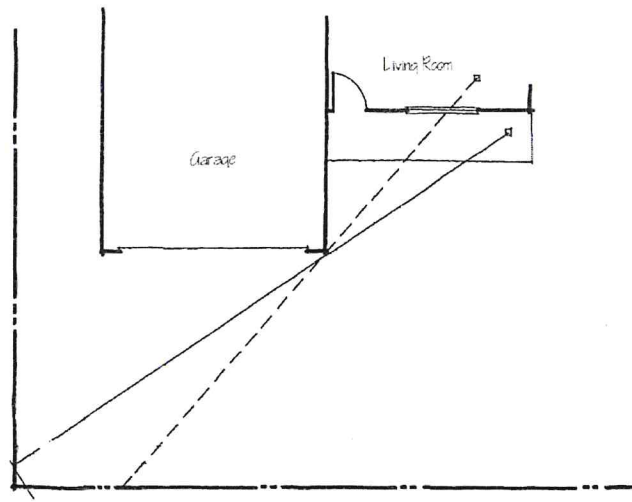
Revised to include middle housing types and add Model Code wording that facades separated from the street by another dwelling are exempt from meeting the building design standards in this section.

1. ~~The standard relating to street connection is applicable to construction of single-family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.~~

This subsection is redundant with 2.a. above.



Figure 8-17: Visual Surveillance Standard



4. General Standards

- a. Street Connection and Visual Surveillance Standard. ~~All habitable rooms facing a street shall have a window. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.~~
- b. Lot Diversity Requirement. ~~For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.~~

Moved to §17.8.905 Land Division Standards

- c. ~~Dwelling Diversity Standard. Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.~~

This requirements seems better suited to planned developments. Replication of facades more than 5 times or 10% of the total number of subdivision lots seems arbitrary. Replication is open to interpretation and the description provided is not clear an objective.

5. Building Façade and Elevation Standards

- a. No more than six (6) single family attached/townhouse units shall be allowed in series.
- b. ~~Duplex units within single family districts shall be designed and constructed to give the impression from the street of one single family unit or, one corner lots, or two different units facing different directions.~~
- c. ~~No more than thirty five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.~~
- d. ~~Front elevations shall provide design variation to avoid repetition and create architectural interest.~~
- e. ~~No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15').~~

HB 2001 does not allow applying requirements to duplex units that do not apply to single unit detached units.

Same comment as above plus the City has never reviewed this.

This requirement is not clear and objective.

The City has never reviewed this.

5. ~~The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district if the following criteria are adequately addressed:~~

No longer applicable due to passage of HB 2001 since duplexes will now be allowed on any lot that allows a single unit detached home.

- ~~a. The location and placement of the duplex and townhouse units maintain the appearance and single family character of the subdivision, especially in regards to adjacent single family development.~~
- ~~b. Proposed duplex designs convey the appearance of single family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.~~
- ~~c. a. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.~~

4. Duplex Design Standards

a. New duplexes shall meet all clear and objective standards that apply to detached single unit dwellings in the same zoning district.

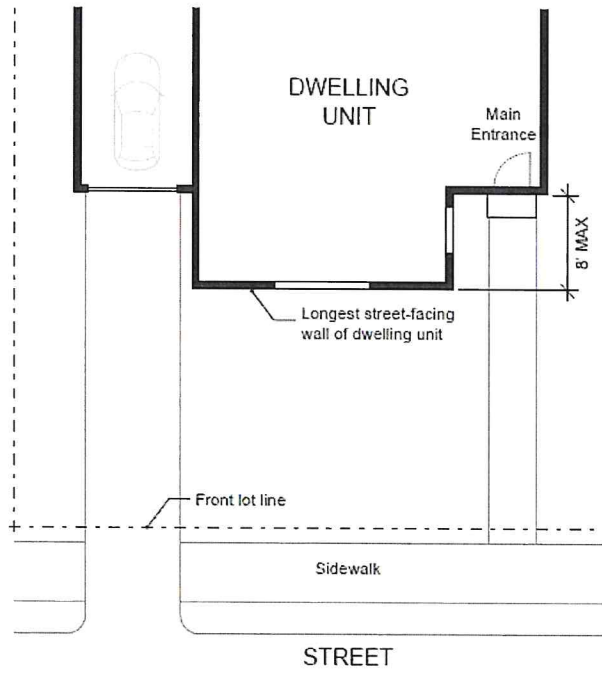
b. Conversion of an existing detached single unit dwelling to a duplex is allowed provided the conversion meets building codes and does not create nonconformance with applicable clear and objective development standards.

5. Triplex and Quadplex Design Standards

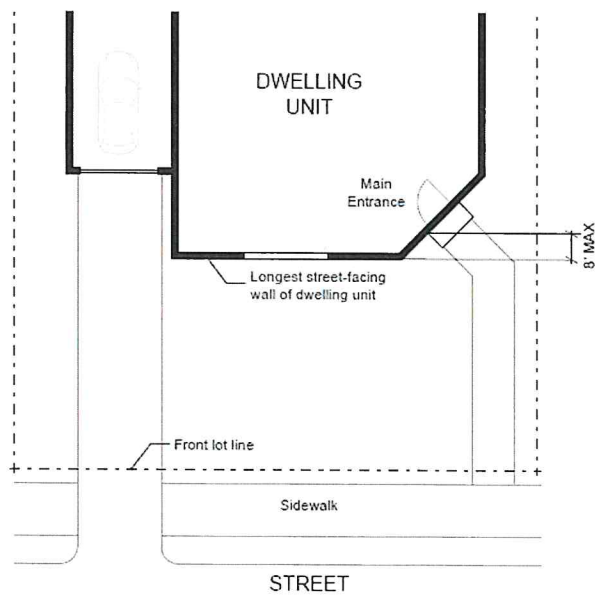
a. Entry Orientation: At least one main entrance for each triplex or quadplex structure must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

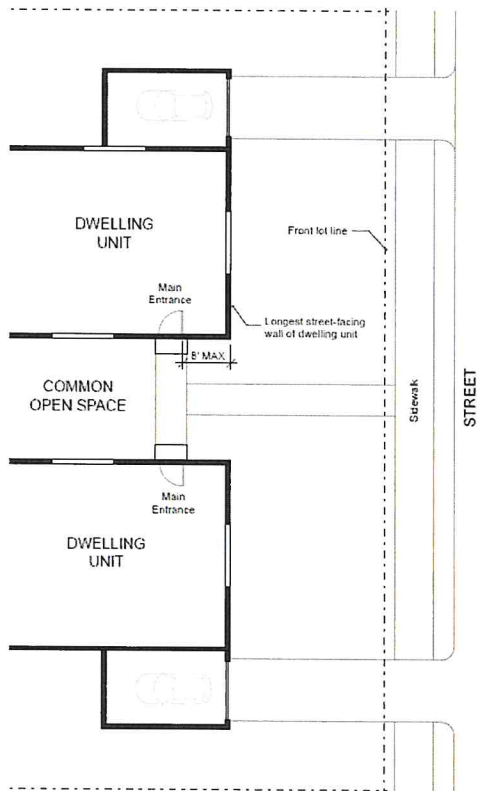
i. Face the street as shown by the figure below



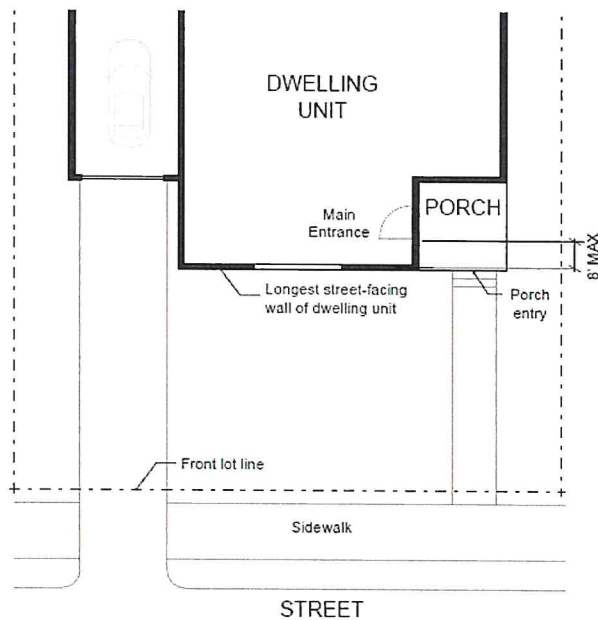
ii. Be at an angle up to 45 degrees from the street as shown by the figure below.



iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or



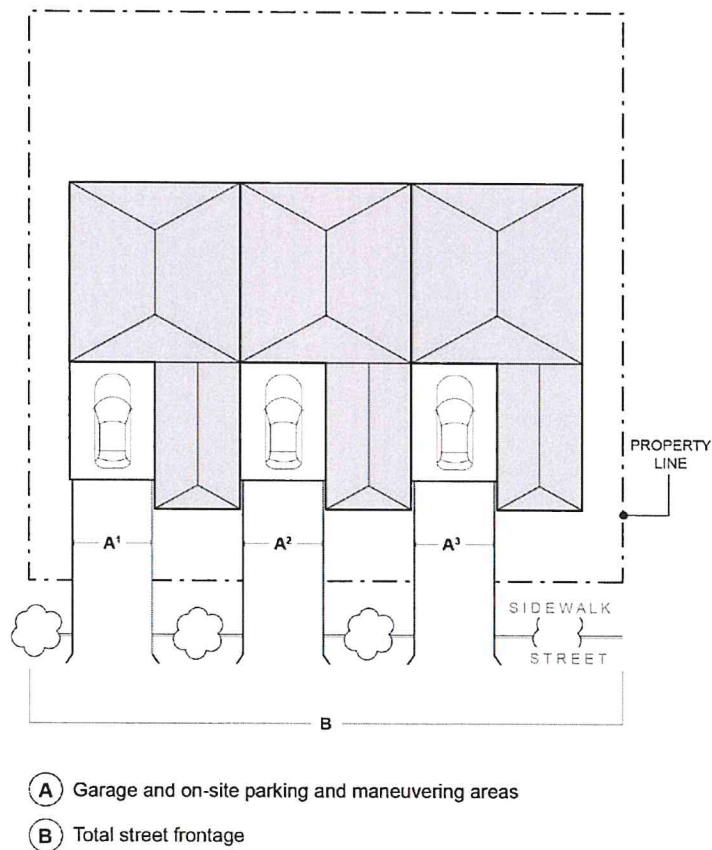
iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.



b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.



c. Garages and Off-Street Parking Areas: The combined width of all garages and outdoor on-site parking and maneuvering area does not exceed a total of 50 percent of the street frontage.



$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

d. Internal conversion of an existing detached single unit structure or duplex is allowed provided the conversion meets building codes and does not create nonconformance with clear and objective development standards.

6. Townhouse Design Standards

a. Entry Orientation: At least one main entrance for each townhouse unit must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

i. Face the street as shown by the figure below

ii. Be at an angle up to 45 degrees from the street as shown by the figure below.

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or

iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.

b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

c. Driveway Access and Parking:

i. A maximum of one (1) driveway approach is allowed for each townhouse unit.

ii. Outdoor on-site parking and maneuvering areas shall not exceed the lesser of 12 feet wide on any lot or 50% of the lot frontage.

iii. The width of garage entrances shall not exceed 12 feet as measured from the inside of the garage door frame.

iv. A townhouse unit on a corner lot shall take access from a single driveway approach.

v. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access.

vi. Townhouses adjacent to an alley shall take vehicular access only from the alley.

d. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade:

i. A roof dormer a minimum of 4 feet in width, or

ii. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

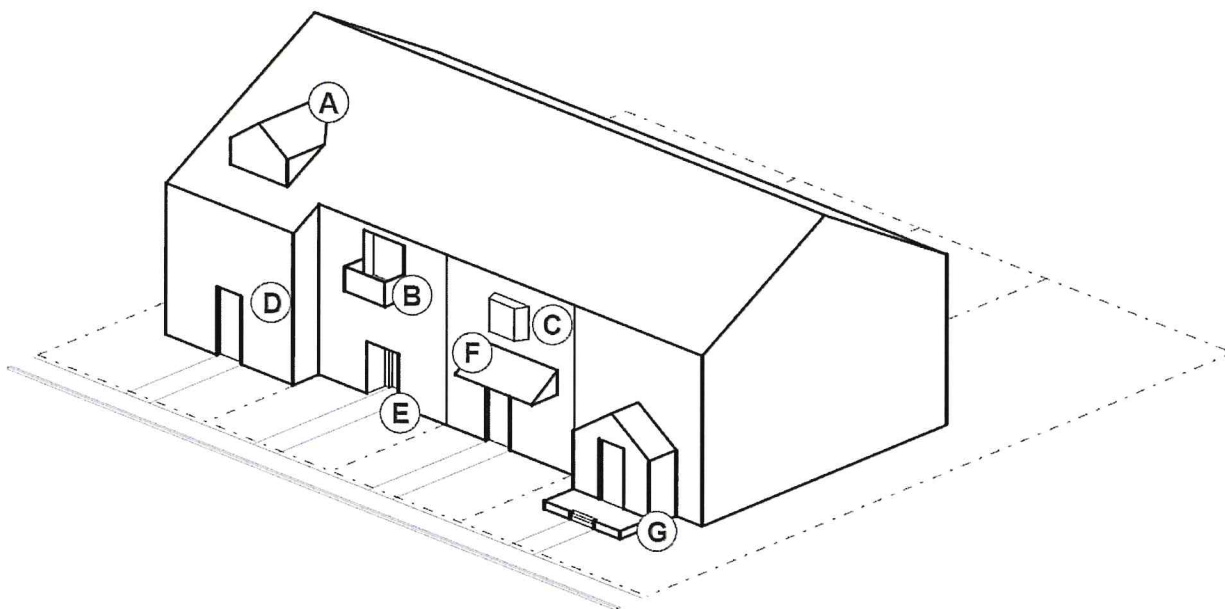
iii. A bay window that extends from the façade a minimum of 2 feet, or

iv. An offset of the façade a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

v. An entryway that is recessed a minimum of 3 feet, or

vi. A covered entryway with a minimum depth of 4 feet, or

vii. A porch of at least 25 square feet in area with at least one entrance facing the street or have a roof.



- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

7. Cottages and Cottage Clusters

a. Cottage Orientation: Cottages must be oriented around a common courtyard or must be connected to the courtyard by a pedestrian path at least five feet in width.

b. A minimum of 50 percent of cottages with a cluster must be oriented toward the common courtyard and must:

i. Have a main entrance facing the common courtyard;

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path at least five feet in width.

iv. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path at least five feet in width that is directly connected to the common courtyard.

c. Common Courtyard Design Standards: Each cottage cluster must share a common courtyard. Common courtyards must meet the following standards:

i. The common courtyard must be a single, contiguous piece.

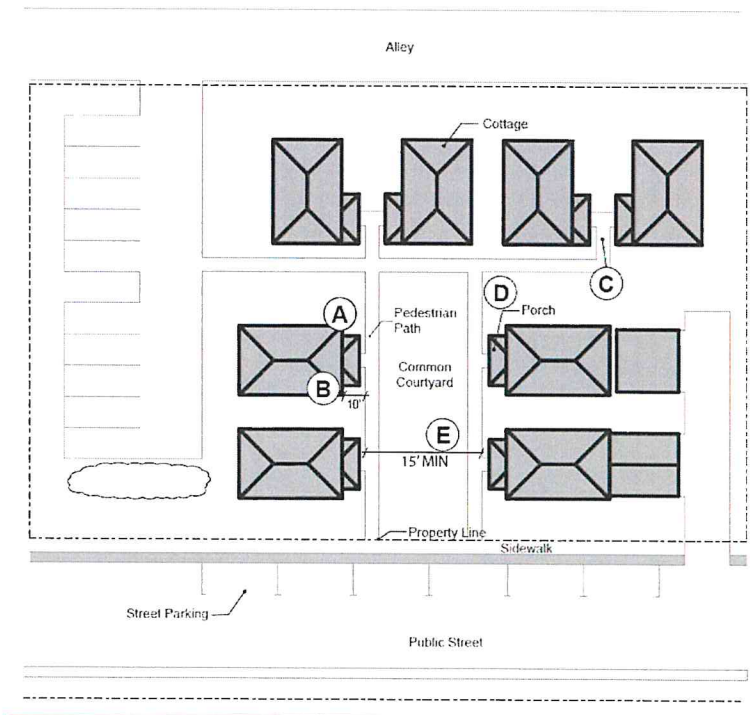
ii. Cottages must abut the common courtyard on at least two sides of the courtyard.

iii. The common courtyard must contain a minimum of 150 square feet per cottage.

iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

v. The common courtyard shall be improved with a mix of landscaping, lawn area, pedestrian paths and/or paved area. The common courtyard may also include recreational amenities. Impervious elements of a common courtyard shall not exceed 75 percent of the total common courtyard area.

vi. Pedestrian paths must be included in a common courtyard area. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setback areas, and driveways do not qualify as part of a common courtyard.



- (A) A minimum of 50% of cottages must be oriented to the common courtyard.
 - (B) Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
 - (C) Cottages must be connected to the common courtyard by a pedestrian path.
 - (D) Cottages must abut the courtyard on at least two sides of the courtyard.
 - (E) The common courtyard must be at least 15 feet wide at its narrowest width.
-

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
- b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

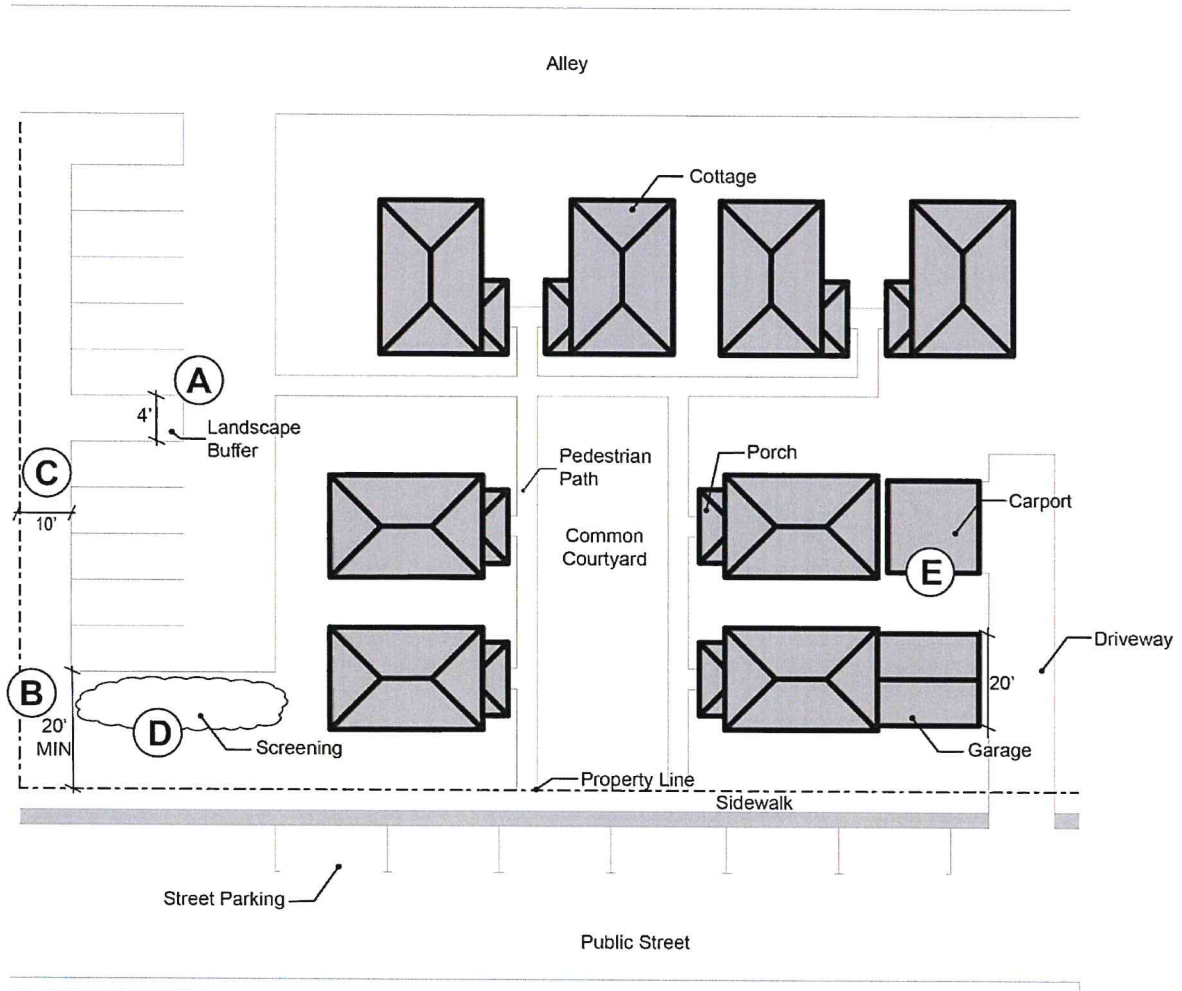
6. Parking Design (see **Error! Reference source not found.**).

- a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

- ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
- iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
- iv. Clustered parking areas may be covered.
- b. Parking location and access.
- i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
- Within 20 feet from any street property line, except alley property lines;
 - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- d. Garages and carports.
- i. Garages and carports (whether shared or individual) must not abut common courtyards.
- ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
- iii. Individual detached garages must not exceed 400 square feet in floor area.
- iiii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
- a. The existing dwelling may be nonconforming with respect to the requirements of this code.
- b. The existing dwelling may be expanded up to the maximum height in subsection (B)(4) or the maximum building footprint in Chapter 1, subsection (B)(1); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
- c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

- d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

PARKING REQUIREMENTS

TABLE 8-4: Parking Requirements

Revised to comply with the administrative rules implementing HB 2001.

LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
RESIDENTIAL			
Household Living - Single Units, Attached/ <u>Townhomes</u>	See Multi-Family <u>1.0 / DU</u>	None	None
- Single Units, Detached	1.0 / DU	None	None
- Accessory <u>Dwelling</u> Units	1.0 / DU <u>None</u>	None	None
- Duplexes	1.0 / DU	None	None
<u>-Triplexes</u>	<u>3.0 / development</u>		
<u>-Quadplexes</u>	<u>4.0 / development</u>		
<u>-Cottage Clusters</u>	<u>1.0 / DU may be provided for individual units or in shared parking areas.</u>		
- Multi-Family Units (outside the Town Center)	DU<500 sq. ft: 1.0 / DU 1 bedroom: 1.25 / DU 2 bedroom: 1.50 / DU 3 bedroom: 1.75 / DU	None	None
- Multi-Family Units (Within the Town Center)	DU<500 sq. ft: 0.5 / DU 1 bedroom: 0.75 / DU 2 bedroom: 1.25 / DU 3 bedroom: 1.75 / DU	None	None
- Manufactured Units	1.0 / DU	None	None
- Mobile Home Parks	1.0 / DU	None	None
Group Living	1.0 / room 1.0 / 2.5 beds	None 2.7 / 1,000 ^[2]	None

Transitional Housing	1.0 / 2.5 beds	None	None
Home Occupation	None	None	None

17.8.515 OFF-STREET PARKING REQUIREMENTS

H. Eligible Parking. Parking spaces available along the public street frontage or alleys are eligible in fulfilling up to 50% of the off-street parking requirements, except for single-family dwellings and duplexes, if the following standards are met:

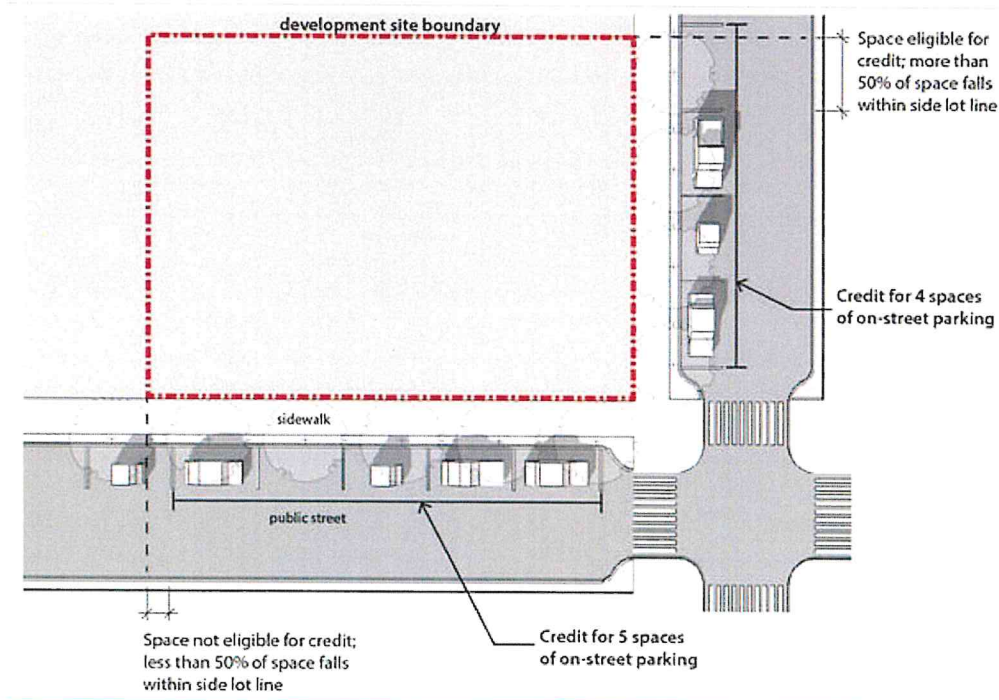
- i. The space must be abutting the subject site
- ii. The space must be in a location where on-street parking is allowed
- iii. The space must be a minimum 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

From Model Code



On-street parking spaces credited for a specific development or use may not be used exclusively by that development or use but must be available for the general public. Signs or actions limiting general public use of on-street spaces are prohibited.

Figure 8-10A: Credit for On-Street Parking



17.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT

A. Parking Reductions Allowed By Right. The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

1. Parking for multifamily, commercial and industrial uses may be reduced by 10% providing the development is within 500 feet 1/4 mile walking distance of a transit stop frequent transit service with at least 20 minute headways.
2. ~~Parking for multifamily uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.~~
3. Parking facilities may be reduced to the extent necessary to accommodate transit stop and shelters.

Revised to make include multifamily developments near frequent transit service eligible for a parking reduction.

Revised to allow for parking reduction if the site is near a frequent transit service line. The current standard is tied to bus stop locations which can change and doesn't allow a reduction beyond 500 feet even if a site is within comfortable walking distance.

LAND DIVISION STANDARDS

17.8.905 STANDARDS

A. Block Design

The land division standards are proposed for revision to make wording clear and objective.

1. The length, width and shape of blocks shall be designed with due regard to providing ~~adequate~~ building sites ~~that comply with the lot dimensional standards in Article 3~~ for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography and development standards in Article 8.
2. Blocks ~~shall have sufficient width to provide for two tiers of lots of appropriate depths, except where blocks are adjacent to an arterial, a railroad, or waterway, and~~ shall meet the following standards:

B. Block Length and Perimeter

1. ~~The layout of streets shall not create excessive travel lengths.~~ Block lengths shall be a maximum of 500 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Block perimeter is defined as the sum of the block lengths of all sides of a block.
2. In residential subdivisions and mixed-use developments, no block shall be more than 330 feet in length. This length can be exceeded up to a maximum length of 660 feet under Block Length Exceptions below.

C. Block Length Exceptions. An exception to the block length standard may be permitted during the land division review when one of more of the following conditions exists:

1. Physical conditions ~~that~~ preclude development of a public street. ~~In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made.~~ Such conditions ~~may~~ include, ~~but are not limited to,~~ topography, wetlands, mature trees, creeks, drainages, and rock outcroppings.
2. Buildings or ~~other~~ existing development on adjacent lands ~~that~~ preclude a street connection. ~~now or in the future, considering the potential for redevelopment.~~
3. ~~Barriers such as freeways~~ Highways or railroads preclude street connections.

Revised to remove wording that is not clear and objective.

4. Average slope of the block exceeds 15%, ~~the additional block length is the minimum necessary to address characteristics of the site,~~ and the tangent of the roadway centerline does not vary more than 30 degrees transverse to the slope contours.
5. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 500 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 500 feet. ~~In such cases, the block length shall be as close to 500 feet as practical.~~

D. Pedestrian Ways

1. Off-street pedestrian ways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a street is not ~~feasible provided~~. In cases where a street connection is ~~feasible provided~~, off-street pedestrian ways shall not be permitted in lieu of a ~~traditional standard~~ streets with sidewalks.

Revised to remove wording that is not clear and objective.
2. When block lengths exceed 500 feet, a pedestrian way of not less than ten (10) feet in width shall be dedicated to provide pedestrian access thorough the block, or to provide access to schools, parks, designated open areas, or other public areas. Such pedestrian ways shall be improved with hard surface material with an appropriate base to a minimum width of five (5) feet prior to issuance of any building permit for construction within the subdivision.
3. Sidewalks and/or pedestrian ways shall be designed according to City standards or specifications on file at the City.
4. Designated crosswalks across streets may also be required by the Director near the center of blocks that are over 500 feet in length.

E. Easements

1. Easements of ten (10) feet in width shall be provided along the front lines of all lots or parcels for public utilities and sidewalks. Larger easements may be ~~required necessary to comply with adopted agency policies. where necessary~~. The City or other appropriate public agency shall be empowered to enter upon such easement for construction or maintenance of public utilities, and to remove, if necessary, any fence, tree, shrubbery or other obstruction, which may have been located within the easement.

Revised to remove wording that is not clear and objective.
2. Where a land division contains a watercourse or area serving for the accumulation or retention of surface water, easements shall be provided for such watercourses or retention area to ensure that no building or structure shall be erected therein.
3. Where the alignment of a utility easement (other than required perimeter easements) is such that it would also serve as ~~suitable~~ an easement for originating

or continuing a pedestrian/bicycle path, ~~the Director may require that~~ such an easement shall be designated on the plat as serving both functions. In such cases, the minimum easement width shall be ten (10) feet and the pedestrian/bicycle path shall be improved with a hard surface to a minimum width of eight (8) feet.

F. Lots, Parcels and Common Areas

The size, dimensions, and orientation of lots and parcels shall be ~~appropriate for the location of the subdivision or partition, for the type of development and use contemplated, and shall be~~ consistent with all applicable standards of this Code and the following:

Revised to remove wording that is not clear and objective.

1. Lot and Parcel Side Lines. The side lines of parcels in partitions shall run at right angles to the street upon which they face, ~~to the maximum extent feasible, and on curved streets shall be radial to the curve, wherever possible.~~ The side lines of lots in subdivisions need not run at right angles to the abutting street, but may be laid out at any suitable angle to satisfy the solar access standards of §17.5.400, ~~and to allow for a suitable subdivision design for the type of development and use contemplated.~~
2. Frontage. Each lot and parcel shall have a minimum frontage on a public or private street of at least twenty ~~(20)~~ (15) feet with the following exception ~~two exceptions~~:
 - a. A lot or parcel on the radius of a curved street or on the circular end of a cul-de-sac shall have frontage of not less than thirty (30) feet upon the abutting street right-of-way measured on the arc.
 - ~~b. Where a flag lot is proposed and the access strip is serving only one lot, the frontage shall be not less than fifteen (15) feet.~~
3. Through Lots and Parcels. Through lots and parcels are prohibited, except ~~where they are necessary~~ to provide separation of development from arterial streets or adjacent ~~incompatible~~ activities or developments. In such cases, the Director may shall require ~~that~~ evergreen screening, a masonry wall, a landscaped earth berm, and/or a non-access easement be provided along the line of lots or parcels abutting ~~such~~ an arterial street or other ~~incompatible~~ uses.
4. Future Subdivision or Partition of Lots or Parcels. Where a subdivision or partition will result in a lot or parcel of one-half (½) acre or larger in size which ~~in the judgment of the Director is likely to~~ could be further divided ~~in the future, the Director may require that~~ the location of lot and parcel lines and other details must allow for efficient future division without violating the requirements of this Code and without interfering with the orderly extension of adjacent and abutting streets. ~~The Director may also require that restrictions concerning locations of buildings within future street locations and vehicular access to lots or parcels be made a matter of record if deemed necessary for permitting the efficient subsequent division of the land.~~

5. Subsequent Flag Lots. Land partitions are prohibited within subdivisions for a period of five (5) years after the date of final plat approval, unless the land is shown as a future development area on the final plat.
6. Lot Access to Resource Areas. For subdivisions, ~~significant protected~~ natural resources ~~such as streams, riparian areas, and wetlands~~ shall be ~~protected~~, integrated into the design of the subdivision, and platted as a common area, ~~and made accessible to as many individual parcels as possible~~.

G. Public Use Areas

1. Dedication Requirements.

*Revised to remove wording
that is not clear and objective.*

- a. Where a proposed park, playground or other public use shown in a ~~development~~ master plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of such area within the subdivision.
 - b. Where ~~considered desirable by the City in accordance with~~ consistent with adopted comprehensive plan policies, and where a ~~development~~ master plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision ~~or sites of a character, extent and location suitable~~ for the development of parks and other public use.
2. Acquisition By Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

USE CATEGORIES & DEFINITIONS

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS

The Definitions section is proposed for revision to add middle housing terms from the administrative rules and Model Code and to revise current definitions for consistency.

B. 11 Building footprint. Means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

C3. Carport. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

C10. Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

C11 Common wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

C 18 Cottage cluster. A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

C19 Cottage cluster project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

D8. Dwelling-Related Definitions:

- a. Dwelling - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
- b. Accessory Dwelling Unit – An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- c. Apartment Or Multiple-Family Dwelling - A structure containing at least ~~three (3)~~ five (5) dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two (2) or more contiguous lots.
- d. Cottage – An individual dwelling unit that is part of a cottage cluster
- e. Cottage cluster – means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
- ef. Duplex – Two dwellings on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meet the definition of a primary dwelling unit with an accessory dwelling unit (ADU) the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. Duplexes may be on individual lots if approved through a middle housing land division.
- eg. Single-Family Unit Dwelling:
 - (1) Attached Dwelling - Two (2) or more dwelling units, including townhouses, attached side by side on two (2) or more contiguous, separate lots with some structural parts in common at a common property line.
 - (2) Detached Dwelling - One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - (3) Manufactured Dwelling - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
- h. Townhouse - A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a

“rowhouse,” “attached house,” or “common-wall house.”

i. Triplex - Three dwelling units on a lot or parcel in any configuration.

j. Quadplex - Four dwelling units on a lot or parcel in any configuration.

M2 Middle housing. Duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

M3 Middle housing land division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under Oregon Revised Statutes 197.758(2) or 197.758(3).

S6 Site area. The total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.

S10 Story. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: (1) A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point; (2) An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

T4 Townhouse project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

W5 Window area. The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Z1 Zoned for residential use. A zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

ATTACHMENT D

Required Findings

Statewide Planning Goal 1 (Involvement) Findings

Goal 1: To develop an involvement program that ensures the opportunity for involvement in all phases of the planning process.

Under Goal 1, the general public, through the local public involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land use plan. In addition, Goal 1 states the public shall have the opportunity to be involved in the preparation of plans and implementation measures, plan content, plan adoption, minor changes and major revisions in the plan and implementation measures.

The Forest Grove Development Code implements the Forest Grove Comprehensive Plan which implements the Oregon Statewide Land Use Planning applicable to urban areas. To guide the City's approach to Code amendments needed to comply with HB 2001 and SB 458, the Forest Grove Planning Commission established a subcommittee. The subcommittee included three Planning Commission members, a City Councilor, a non-profit home builder, a market-rate homebuilder, and an architect. The subcommittee held three meetings providing an opportunity for in-depth review of HB 2001, the applicable Oregon Administrative Rules, the HB 2001 mode code prepared by the Oregon Department of Land Conservation and Development and approved by the Land Conservation and Development Commission, and SB 458. Through the process the subcommittee reached consensus on draft Development Code amendments to comply with HB 2001 and SB 458.

In addition to the Planning Commission subcommittee the City provided opportunities for broader community input into the Code amendments. Outreach included:

- A virtual open house with information on the City's webpage.
- Online survey
- Written materials in English and Spanish
- Social media announcements
- Online comment form
- Televised work sessions with the Forest Grove Planning Commission and City Council.

The draft code amendment package was also circulated to homebuilders working in Forest Grove and Portland Metropolitan Homebuilders Association to gain their perspective before presenting the amendments to the Planning Commission and City Council for adoption.

Statewide Planning Goal 10 (Housing) Findings

Goal 10: To provide for the state's housing needs.

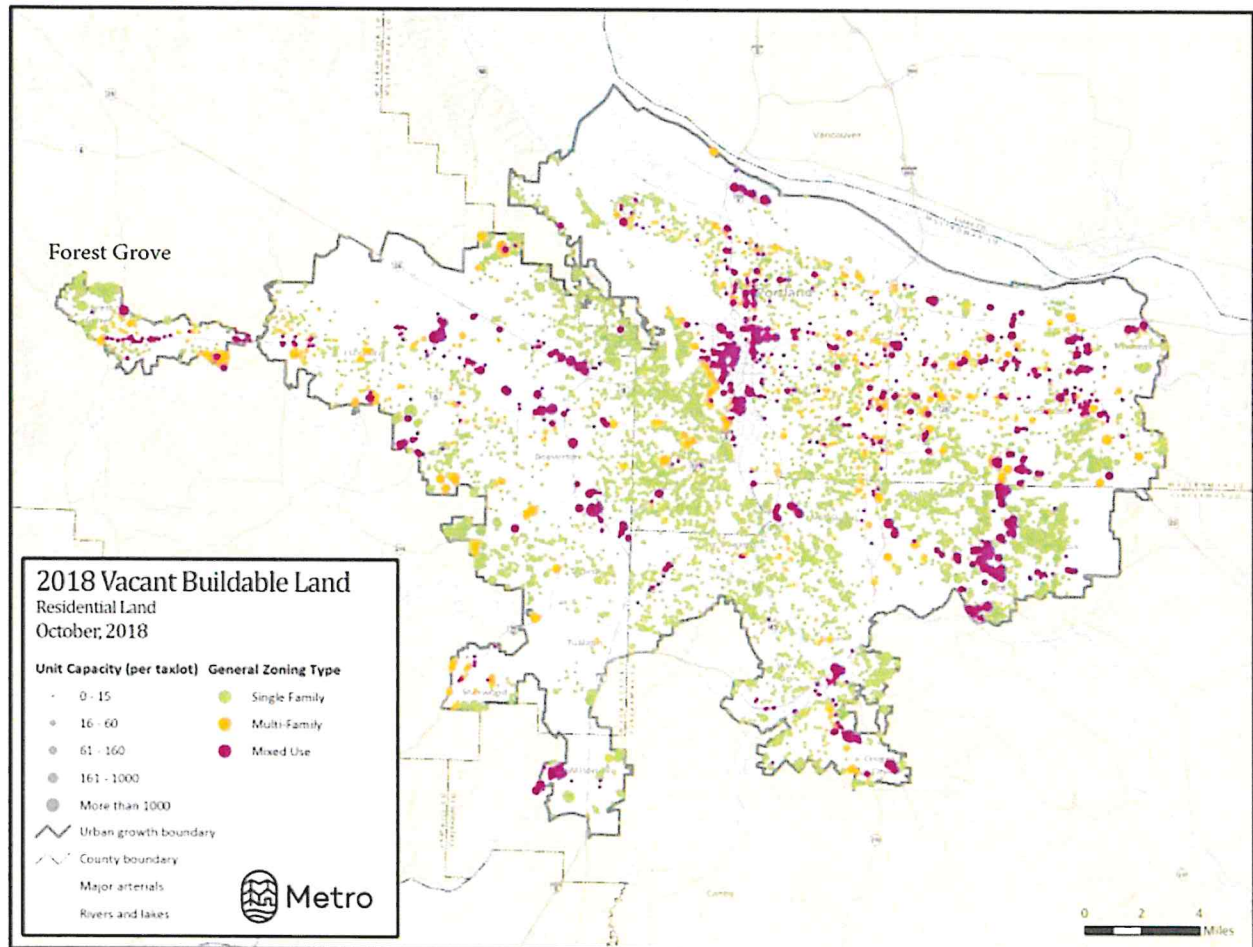
Goal 10 and associated Oregon Administrative Rules and Oregon Revised Statutes. As stated in the Oregon Administrative Rules (OAR 660-008) The purpose of Goal 10 is to assure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing. This is what HB 2001 and the recommended Forest Grove Development Code amendments strive to achieve.

The administrative rules and statutes establish requirements for compliance with Goal 10. This includes a buildable land inventory (BLI). The BLI identifies lands in urban and urbanizable areas suitable, available and necessary for residential use. The Forest Grove BLI was completed in 2018. An overview of the Forest Grove BLI is provided below.

Buildable Land Inventory (BLI) Findings

The most recent buildable land inventory (BLI) for the City was completed in 2018. At that time approximately 240 acres of vacant land were designated for residential development. The map below prepared for the Metro Urban Growth Report shows vacant buildable land for single-family, multifamily and mixed use development.

Vacant Residential Map



Since 2019 the City issued a total of 574 building permits for residential development. Of this total, 341 permits were issued for single-unit homes, 227 permits for multi-unit homes, 4 permits for manufactured homes and 2 permits for accessory dwelling units.

Based on the number and type of permits issued the City estimates approximately 48 acres have been absorbed for residential development since the most recent Housing Needs Assessment was adopted. This leaves approximately 192 acres of land in the Buildable Land Inventory for residential development. This amount of land could potentially accommodate

approximately 2,300 housing units. The potential increase to housing capacity allowed by HB 2001 of one percent in infill areas and three percent in new urban growth areas could increase capacity by 69 units.

Housing Needs Analysis

The administrative rules and statutes also require a local Housing Needs Analysis (HNA). The HNA identifies the housing types determined to meet the need for housing within an urban growth boundary at particular price ranges and rent levels. The Forest Grove Needs Analysis was adopted in 2019. An overview of the Forest Grove HNA is provided below.

Housing Needs Analysis (HNA) Findings

The City adopted the most recent Housing Needs Analysis (HNA) in June 2019 (Ordinance 2019-12). Since that time 547 units have been approved. This represents approximately 16% of the net new dwelling units needed identified in the HNA and shown on the table below.

	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Vacant Dwelling Units	Net New Dwelling Units
Housing Tenure Distribution:	1,948	1,305	174	3,426
	57%	38%	5%	100%
Housing Unit/Type				
Single Family Detached	1,558	326	104	1,988
Mfg. Housing (SFD)	97	0	0	97
Townhomes/Plexes (2-4 units)	195	391	52	638
Multifamily (5+ units)	97	587	17	702
Total Dwelling Units	1,948	1,305	174	3,426
Group Quarters		256		256

Of the 547 building permits issued, 341 permits were issued for single-unit homes, 227 permits for multi-unit homes, 4 permits for manufactured homes and 2 permits for accessory dwelling units. This represents 27% of the net new housing units needed for single-unit homes and 32.3% of the net new units needed for multi-unit dwellings.

Affordable Housing Incentives

HB 2001 requires that when cities or counties adopt regulations or amend a comprehensive plan to comply with the law, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

- Waiving or deferring system development charges
- Adopting or amending criteria for property tax exemptions under ORS 307.515
- Assessing a construction tax under ORS 320.192

Forest Grove considered ordinances and policies to increase the affordability of middle housing as required by HB 2001. A summary of this is provided below.

The City established a Planning Commission subcommittee with outside representation to prepare recommendations for local implementation of HB 2001. The subcommittee discussed incentives on December 7, 2021. The City Council discussed House Bill 2001 including the

requirements of Section 3, chapter 639, Oregon Laws 2019 during a work session held on January 24, 2022. During the work session, City staff presented an overview of the various housing property tax exemptions available for adoption.

Waiving or Deferring System Development Charges

The Planning Commission discussed aspects of waiving or deferring system development charges (SDCs) for certain affordable housing developments. The subcommittee discussed that SDCs must be based on a methodology consistent with state law. During the discussion it was noted that foregone revenue due to waiving SDCs should be offset by other funding sources. It was also noted that the City only controls two system development charges: water and parks. The transportation development tax and sanitary sewer SDC rates and administrative procedures are established by Washington County.

The Planning Commission subcommittee supported the idea of the City working with partner agencies to reduce system development charge rates for affordable housing as the rates are updated over time. The subcommittee also supported the concept of right-sizing system development charges for smaller housing units such as cottages and accessory dwelling units to better reflect true system impacts.

The City of Forest Grove adopted an ordinance allowing deferral of SDCs for regulated affordable housing to issuance of occupancy permit rather than building permit issuance. The West Tuality Habitat for Humanity has taken advantage of the deferral.

Low Income Housing Property Tax Exemption

The Planning Commission subcommittee discussed aspects of the Low Income Housing Property Tax Exemption including the exemption applies to landlords and the property must be offered for rent or held for development low income rental housing for households earning at or below 60% of the area's median income. The Planning Commission subcommittee also considered that this exemption only applies to taxing districts approving the exemption unless other taxing districts representing 51% of the total rate applied to the property also approves the exemption in which case all property taxes are exempt.

Non-Profit Corporation Low Income Housing Tax Exemption

The Planning Commission subcommittee reviewed the Non-Profit Corporation Low Income Housing Tax Exemption Program. The City of Forest Grove, Washington County and Forest Grove School district adopted the program. As a result, entities eligible for the tax exemption receive a 100% property tax exemption for up to six years. The subcommittee learned that several non-profit corporations providing housing in Forest Grove have received this property tax exemption. This includes apartments managed by Bienestar, Covey Run Duplexes, Willow Park apartments, and Garden Grove apartments.

Single Unit Housing Property Tax Exemption

The Planning Commission subcommittee discussed the purpose of the Single Unit Housing Property Tax Exemption to stimulate the purchase, rehabilitation and construction of single unit housing for homeownership by low and moderate income households through a limited property tax exemption. The subcommittee discussed that the program applies to single unit homes with a market value for land and improvements of no more than 120 percent of the median sales price of dwelling units in the city at time of application.

Rehabilitated Residential Property

The Planning Commission subcommittee discussed aspects of the Rehabilitated Residential Property Tax Exemption including that the program encourages the rehabilitation of existing units in substandard condition and conversion of transient accommodations to permanent residential units and the conversion of nonresidential units to permanent housing. The subcommittee discussed that the project eligibility area must be designated by the City as a distressed area that is characterized by deterioration, inadequate public facilities, or unsafe or abandoned structures including a significant number of vacant or abandoned single unit or multiple family units.

Construction Excise Tax

Establishing a construction excise tax was discussed by the City Council on several occasions including during the Council's annual goal setting work session in 2018. The City Council noted the construction excise tax program has merits but effectiveness is diminished at the individual city level. The Council discussed that the program would be more effective and efficient if adopted at the county level. This is because Washington County has a housing program with dedicated staff and financial resources.

Goal 14 (Urbanization)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

In determining land need, local governments may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Forest Grove Development Code Text Amendments

§§17.2.630 (Review Criteria)

The Forest Grove Development Code establishes review criteria for Forest Grove Development Code text amendments. The review criteria includes:

- A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan.
- B. The text amendment is consistent with relevant statewide and regional planning goals, program and rules.

HB 2001 is consistent with several Comprehensive Plan elements including community involvement and housing as explained below. HB 2001 supersedes the land use designations

contained in the Land Use chapter of the Comprehensive Plan including land use designation and development density policies. The Comprehensive Plan will be amended in the future for consistency with the Development Code after the HB 2001 Development Code amendments are approved by the City Council.

The proposed Development Code text amendments are consistent with the following Oregon Statewide Land Use Planning Goals:

- Goal 1: Public Involvement
- Goal 10: Housing
- Goal 14: Urbanization

The process leading to the adoption of the Development Code amendments needed to comply with HB 2001 and SB 458 provided opportunities for public involvement. This included establishing a Planning Commission subcommittee with outside members involved in the housing industry. Other opportunities for public involvement included a virtual online open house, online survey, online comment form, and televised Planning Commission and City Council work sessions. Information was provided in both English and Spanish.

The Development Code amendments will expand housing choices by allowing a variety of housing types in zoning districts that also allow single unit homes. Consistent with HB 2001, the housing types that will be allowed in these zoning districts include duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters. Consistent with HB 2001 it is expected that housing capacity in Forest Grove will increase by one percent in infill area and three percent in new urban growth areas.

The Development Code amendments are consistent with Statewide Land Use Planning Goal 14: Urbanization. Consistent with Goal 14, expanding housing choices and increasing housing capacity in the City accommodates urban population inside the urban growth boundary in a land efficient manner. This is achieved through reducing required lot sizes for most housing types and expanding where higher density development is allowed within the city.

Metro Urban Growth Management Functional Plan

Title 1: Housing Capacity. The Metro Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to generally maintain or increase its housing capacity. If adopted, the Development Code adoption package implementing HB 2001 will reduce the minimum required lot size in the low density residential zone to 3,500 square feet. The Code amendments also identify duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters as allowed housing types in the low density residential zone. Under HB 2001, cities are allowed to assume a one percent increase to capacity for infill areas and a three percent increase to capacity for new urban growth areas. Amending the Forest Grove Development Code to allow duplexes, triplexes, quadplexes, cottages and cottage clusters along with the potential to increase housing capacity as allowed by HB 2001 the Code amendments are consistent with Title 1 which requires each city and county to generally maintain or increase its housing capacity.

Title 7: Housing Choice. Title 7 requires that cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances ensure a diverse range of housing types within their jurisdictional boundaries. HB 2001 requires that the City of Forest Grove allow duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters in areas that allow single-unit detached dwellings on individual lots. If adopted, the Development Code amendment adoption package will allow these housing types in low density residential areas that allow for single-unit homes on individual lots. This provides opportunities for a diverse range of housing types in Forest Grove. Therefore, the Development Code amendments comply with Title 7 of the Metro Urban Growth Management Functional Plan.